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SECOND SESSION

1996

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Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

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RULES

of the

NEBRASKA

UNICAMERAL

LEGISLATURE

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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

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

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

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

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 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. 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. (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.

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.

RULE 2

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 or as provided in Section 3(h) of this rule.

(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, 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.

(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.

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

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), and immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of 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.

(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	6 members

(b) The Speaker of the Legislature shall serve as one of the six members and shall be an ex officio member of the Rules Committee. 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. (a) 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.

(b) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

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. Nine 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, 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 member 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.

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 cointroducer 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 cointroducers. 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.

Sec. 14. Public Retirement Plans and Actuarial Studies (a) Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new public retirement plan, shall be introduced only during the first ten days of a 90 day session.

(b) No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

(c) (i) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(ii) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

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 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.

(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 or any motion to amend an amendment 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:

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	**MEM**	**6-3h**
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to amend	**MEM**	**6-5e**
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 postpone indefinitely.

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

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

(g) 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.

(h) 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**	**2-1**
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 indefinitely postpone	**MEM**	**6-5d**
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. (a) 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.

(b) 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.

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 reengrossment.

(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.

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., 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. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(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 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.

(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. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. 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) 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.

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 recess, to adjourn, or for cloture.

(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. Motions to Adjourn or Recess. 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. Successive motions to adjourn or recess are 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.

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 cloture motion shall be taken immediately. 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 pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except 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.

Sec. 11. Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being

used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order.

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.

RULE 10--ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. 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, shall have a minimum of five members and shall consist of members appointed by the Executive Board. 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.

Sec. 2. 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.

Sec. 3. 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.

Sec. 4. 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.

Sec. 5. 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.

Sec. 6. 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.

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LEGISLATION

Bill Titles, Resolutions, and Subject and Section Indexes Introduced in the Ninety-Fourth Legislature, First Session, 1995 and Pending Before the Ninety-Fourth Legislature, Second Session, 1996

January 3, 1996

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

Introduced in the Ninety-Fourth Legislature, First Session, 1995 and pending before the Ninety-Fourth Legislature, Second Session, 1996

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Urban Affairs (3): 436 608 717

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LEGISLATIVE BILL 18. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 23-3406, 23-3408, 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, 29-2801, 29-3205, and 55-480, Reissue Revised Statutes of Nebraska, and sections 24-1106, 25-1140.09, 29-2020, and 29-2407, Revised Statutes Supplement, 1994; 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 eliminate an obsolete provision; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2542, 29-2544, 29-2545, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 24-1105, 29-2543, and 29-2546, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 29. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to postsecondary educational institutions; to require reimbursement of default cost fees as provided; to create a fund; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 33. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fees; to amend sections 33-150 and 33-151, Reissue Revised Statutes of Nebraska; 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.

LEGISLATIVE BILL 35. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-215.03 and 37-227, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1994; to authorize the refund of hunting permit fees as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 38. Introduced by Coordsen, 32; Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to double the fine for moving traffic violations occurring in a construction zone; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 43. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 18-1714, 23-2519, 48-126.01, 55-120, 60-6,164, 68-703, 81-829.31, 81-829.36 to 81-829.43, 81-829.45 to 81-829.62, 81-829.64, 81-829.65, 81-829.69, 81-829.70, 81-829.72, 81-829.73, 81-1120.17, 81-1120.25, and 86-702, Reissue Revised Statutes of Nebraska, and sections 2-4901, 18-1712, 31-727, 31-740, 31-744, 48-115, 71-5120, 71-7318, and 77-3439, Revised Statutes Supplement, 1994; to add, change, and eliminate provisions relating to civil defense; to provide for emergency management services and operations; to provide for expenditures for aerial fire suppression; to eliminate an oath, and provisions relating to assent to a federal law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-829.44, 81-829.63, and 81-829.74, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 44. Introduced by Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1994; to provide waiver of coverage as prescribed; and to repeal the original section.

LEGISLATIVE BILL 45. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-509, 77-201, 77-202, 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 1994; 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 46. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 21-1903 and 49-1407, Reissue Revised Statutes of Nebraska, and section 49-14,101, Revised Statutes Supplement, 1994; to redefine a term; to change restrictions on public officials and employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 47. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to education; to amend section 79-444, Reissue Revised Statutes of Nebraska; to change provisions relating to entrance into the beginner grade; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to public power districts; to amend sections 70-622 and 70-667, Reissue Revised Statutes of Nebraska; to require recording of board meetings; to require a hearing prior to construction of a new transmission line; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 55. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to adoption; to amend sections 43-101, 43-104, 43-106, 43-107, 43-112, 43-115, and 43-146.01, Reissue Revised Statutes of Nebraska; to change provisions relating to consents; to change provisions relating to a fee; to provide for recognition of decrees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 56. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges; to amend section 24-708, Revised Statutes Supplement, 1994; to change provisions relating to retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 57. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-806, Reissue Revised Statutes of Nebraska; to change provisions relating to public indecency as prescribed; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1994; to change the definition of employee or worker; and to repeal the original section.

LEGISLATIVE BILL 60. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to game and parks; to amend section 37-202.01, Reissue Revised Statutes of Nebraska; to change provisions relating to lifetime license fees; and to repeal the original section.

LEGISLATIVE BILL 62. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for Nebraska State Patrol safety education/crime prevention officers.

LEGISLATIVE BILL 63. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Revised Statutes Supplement, 1994; to prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy; and to repeal the original sections.

LEGISLATIVE BILL 67. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 84-202, 84-203, and 84-207, Reissue Revised Statutes of Nebraska, and 84-205, Revised Statutes Supplement, 1994; to change the powers and duties of the Attorney General; to repeal the original sections; and to outright repeal section 84-208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 78. Introduced by Day, 19.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-809, Reissue Revised Statutes of Nebraska, and section 30-810, Revised Statutes Supplement, 1994; 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 81. Introduced by Cudaback, 36; Dierks, 40; Schellpeper, 18; Avery, 3; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1994; 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, permits, and stamps to provide a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 37-216.03, Reissue Revised Statutes of Nebraska, and section 37-207, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 88. Introduced by Hillman, 48; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-515, Revised Statutes Supplement, 1994; to exempt irrigation districts from the act; and to repeal the original section.

LEGISLATIVE BILL 90. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to county courts; to amend section 25-2705, Reissue Revised Statutes of Nebraska; to eliminate trial by jury for certain criminal cases in county court as prescribed; and to repeal the original section.

LEGISLATIVE BILL 91. 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; to change provisions relating to the costs of transcripts of certain municipal proceedings; and to repeal the original sections.

LEGISLATIVE BILL 98. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-104 and 37-105, Reissue Revised Statutes of Nebraska; to change provisions relating to hunter and bow education programs; to provide a penalty; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 100. Introduced by Wickersham, 49; Elmer, 44; Hillman, 48; Matzke, 47; Schrock, 38.

A BILL FOR AN ACT relating to irrigation; to amend section 46-231, Reissue Revised Statutes of Nebraska; to provide an exemption from allotment limits; and to repeal the original section.

LEGISLATIVE BILL 101. Introduced by Dierks, 40; Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to amend sections 39-2215, 74-1415.03, 74-1420, and 74-1429, Revised Statutes Supplement, 1994; to change the disposition of proceeds of certain taxes; to authorize planning and coordination grants for railroads; to provide for the waiver of certain requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 103. Introduced by Dierks, 40, Preister, 5, at the request of the Governor.

A BILL FOR AN ACT relating to radioactive waste; to amend sections 81-1584.01, 81-15,101, and 81-15,102, Reissue Revised Statutes of Nebraska, and section 71-3508.02, Revised Statutes Supplement, 1994; to change provisions relating to acquisition, cleanup costs, and ownership requirements of sites and materials; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 105. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statute of Nebraska; to state intent to fund a statewide program; and to repeal the original section.

LEGISLATIVE BILL 105A. 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 105, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 106. Introduced by Dierks, 40; Jones, 43; Schellpeper, 18; Vrtiska, 1.

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, 1994; 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 108. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to water resources; to amend sections 2-1586, 2-3211.01, 46-295, 46-296, 46-630, 46-656, 46-657, 46-660, 46-661, 46-662, 46-663, 46-663.01, 46-663.02, 46-664, 46-666, 46-666.01, 46-668, 46-669, 46-670, 46-671, 46-672, 46-673, 46-673.01 to 46-673.07, 46-673.10, 46-673.11, 46-673.13, 46-674.02 to 46-674.14, 46-674.16 to 46-674.18, 46-674.20, 46-676, 46-689, and 81-15,176, Reissue Revised Statutes of Nebraska, and sections 2-1588, 46-659, 46-673.14 to 46-673.16, 46-674, 46-1207.01, and 77-27,137.02, Revised Statutes Supplement, 1994; to change provisions relating to ground water management areas; to provide for management of interrelated ground water and surface water resources; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-658, 46-665, 46-667, 46-673.08, 46-673.09, 46-673.12, 46-674.15, and 46-674.19, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 110. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to law enforcement; to appropriate funds for the purchase of video equipment for law enforcement motor vehicles as

prescribed; to create a fund; and to provide duties for the Department of Motor Vehicles.

LEGISLATIVE BILL 114. Introduced by Coordsen, 32; Avery, 3.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-216.03, 37-216.04, and 37-216.07, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1994; to provide for lifetime habitat stamps and lifetime trout stamps; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 116. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 33-110 and 42-901, Reissue Revised Statutes of Nebraska; 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.

LEGISLATIVE BILL 121. Introduced by Preister, 5; Dierks, 40; Robinson, 16; Vrtiska, 1.

A BILL FOR AN ACT relating to smoking; to state intent; to prohibit smoking in state buildings and vehicles; to provide assistance to employees; and to provide a penalty.

LEGISLATIVE BILL 126. Introduced by Hudkins, 21; Kristensen, 37.

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

LEGISLATIVE BILL 129. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-213, Reissue Revised Statutes of Nebraska; to change tolling provisions; and to repeal the original section.

LEGISLATIVE BILL 130. Introduced by Wickersham, 49; Pedersen, 39.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1522.01, Reissue Revised Statutes of Nebraska; to change retirement benefit provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 130A. 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 130, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 131. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to retirement; to amend Laws 1994, LB 833, section 57; to change an operative date; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Robak, 22; Crosby, 29; Hillman, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-605, Reissue Revised Statutes of Nebraska; to state intent; to define a term; to provide penalties for speeding, failure to yield, and passing in a school crossing zone as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Coordsen, 32; Cudaback, 36; Dierks, 40; Jones, 43; McKenzie, 34; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1994; to exempt personal property from taxation; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 142. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to teachers; to amend section 79-1254.10, Reissue Revised Statutes of Nebraska; to require school districts to provide a period of preparation time; and to repeal the original section.

LEGISLATIVE BILL 143. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to public power; to amend sections 70-625.02, 70-626.02, and 70-626.04, Reissue Revised Statutes of Nebraska; to change provisions relating to use of surplus line capacity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Lynch, 13; Bohlke, 33; Janssen, 15.

A BILL FOR AN ACT relating to criminal history record information; to amend section 29-210, Reissue Revised Statutes of Nebraska; 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 148A. 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 148, Ninety-fourth Legislature, First Session, 1995; and to declare an emergency.

LEGISLATIVE BILL 149. Introduced by Lynch, 13; Bohlke, 33; Coordsen, 32; Crosby, 29; Hartnett, 45; Hudkins, 21; Robak, 22; Stuhr, 24.

A BILL FOR AN ACT relating to rehabilitation technology and services; to amend section 79-1448, Reissue Revised Statutes of Nebraska, and section 60-302, Revised Statutes Supplement, 1994; to adopt the Comprehensive Rehabilitation and Assistive Technology Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 150. Introduced by Crosby, 29; Hudkins, 21; Jones, 43; Preister, 5; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 37-1254.01, 37-1254.02, 60-4,182, 60-6,196, 60-6,197, 60-6,206, and 60-6,211.05, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment; to change provisions relating to boating under the influence; to change provisions relating to ignition interlock devices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 151. Introduced by Hudkins, 21; Crosby, 29; Vrtiska, 1.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-4,129, 60-6,196, 60-6,205, 60-6,206, and 60-6,211.05, Reissue Revised Statutes of Nebraska; to provide for the admission of a peace officer's sworn report at revocation hearings; to eliminate the employment driving permit as prescribed; to change fees; to eliminate license reinstatement as provided; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 156. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2102.01, Reissue Revised Statutes of Nebraska; to change provisions relating to appointments to a community redevelopment authority; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 157. Introduced by Cudaback, 36; Bromm, 23; Jones, 43; Robinson, 16; Schrock, 38; Vrtiska, 1; Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-310, Reissue Revised Statutes of Nebraska, and section 60-311, Revised Statutes Supplement, 1994; to eliminate a fee relating to registration; to change the time period for issuance of license plates; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Withem, 14; Avery, 3; Bernard-Stevens, 42; Preister, 5; Robinson, 16; Schmitt, 41; Hartnett, 45.

A BILL FOR AN ACT relating to counties; to amend section 22-412, Reissue Revised Statutes of Nebraska, and sections 32-517 to 32-526, and 32-609, Revised Statutes Supplement, 1994; to provide for certain county offices to be filled on a nonpartisan basis; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 168. Introduced by Jones, 43; Bromm, 23; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Hudkins, 21; Jensen, 20; McKenzie, 34; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend section 84-905.01, Reissue Revised Statutes of Nebraska; to change provisions relating to review by the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 170. Introduced by Jones, 43; Dierks, 40; Robak, 22; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-438.12, 79-1303, and 79-3806, Reissue Revised Statutes of Nebraska; to eliminate provisions for a common levy for Class VI school systems; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-438.13, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 174. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2601, Revised Statutes Supplement, 1994; to change provisions relating to membership on the State Board of Health; and to repeal the original section.

LEGISLATIVE BILL 174A. 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 174, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 176. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 81-801, 81-801.01, and 81-803.01, Reissue Revised Statutes of Nebraska; to change the number of members and the districts of the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Warner, 25.

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 181. Introduced by Warner, 25.

A BILL FOR AN ACT relating to solid waste; to amend section 13-2039, Revised Statutes Supplement, 1994; to change the yard waste prohibition date; and to repeal the original section.

LEGISLATIVE BILL 183. Introduced by Warner, 25.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-673 and 66-740, Revised Statutes Supplement, 1994; to authorize an exempt use of diesel fuel; to continue a task force; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 191. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revolving charge agreements; to amend section 45-205, Reissue Revised Statutes of Nebraska; to authorize charges as prescribed; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Maurstad, 30; Vrtiska, 1.

A BILL FOR AN ACT relating to village boards; to amend sections 17-202, 32-532, and 32-811, Revised Statutes Supplement, 1994; to change provisions relating to elections and terms; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Wehrbein, 2; Coordsen, 32.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-201, 37-213, 37-215.03, and 37-215.08, Reissue Revised Statutes of Nebraska; to change limited owner or lessee hunting permits and limitation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 201. Introduced by Hudkins, 21; Crosby, 29; Vrtiska, 1.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,196, 60-6,197, and 60-6,206, Reissue Revised Statutes of Nebraska, and sections 28-106 and 28-306, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment; to change provisions relating to motor vehicle homicide; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 203. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to medical assistance; to amend section 68-1021, Revised Statutes Supplement, 1994; to provide for acceptance of and assent to amendments of a federal act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 206. Introduced by Janssen, 15; Bromm, 23; Cudaback, 36; Robinson, 16; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5108, Revised Statutes Supplement, 1994; to change personnel requirements for licensure; and to repeal the original section.

LEGISLATIVE BILL 209. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-306, 37-501, 37-501.01, 37-513, 37-537, 37-712 to 37-718, 37-726, 37-901 to 37-912, 81-805, 81-811, and 81-814.02, Reissue Revised Statutes of Nebraska, sections 2-5005, 37-101, 37-102, 37-304.01, 37-505, 37-702, 37-706, 37-707, 37-711, and 37-711.01, Revised Statutes Supplement, 1994, and sections 37-703 and 37-705, Revised Statutes Supplement, 1994, as amended by sections 2 and 3, respectively, Legislative Bill 718, Ninety-fourth Legislature, First Session, 1995; to change and eliminate provisions relating to controlled shooting areas, game breeding operations, game farms, aquaculture permits, and captive wildlife permits and auctions; to define and redefine terms; to provide for user fees for recreational trails; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-913 and 37-914, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 210. Introduced by Lynch, 13; Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1994; to exempt molds, dies, and

patterns from sales and use taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 211. Introduced by Warner, 25; McKenzie, 34.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,173, 81-15,175, and 81-15,176, Reissue Revised Statutes of Nebraska, and section 66-1345, Revised Statutes Supplement, 1994; to change provisions relating to distribution of a fund; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Wickersham, 49; Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend sections 22-401 to 22-406, 22-411, 22-412, 22-416, 23-104.01, and 23-153, Reissue Revised Statutes of Nebraska, and section 22-407, Revised Statutes Supplement, 1994; to change provisions relating to consolidation of counties and county offices and the joint exercise of powers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 22-408 to 22-410, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 216. Introduced by Hall, 7; Chambers, 11; Will, 8.

A BILL FOR AN ACT relating to employment; to prohibit certain actions by employers based on use of lawful products; to provide for damages; and to provide exceptions as prescribed.

LEGISLATIVE BILL 217. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change the hours to sell or dispense alcoholic liquor; and to repeal the original section.

LEGISLATIVE BILL 218. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1205, Reissue Revised Statutes of Nebraska; to authorize contracts for operation and management services; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-4,171, 60-505.02, and 60-6,206, Reissue Revised Statutes of Nebraska; to change provisions relating to reinstatement fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 220. Introduced by Hall, 7; Abboud, 12.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Revised Statutes Supplement, 1994; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 224. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 84-1409, Reissue Revised Statutes of Nebraska, and section 71-7518.04, Revised Statutes Supplement, 1994; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5802, 71-5805 to 71-5809.01, 71-5812, 71-5813, 71-5815 to 71-5821.01, 71-5823 to 71-5826, 71-5828, 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, 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska, and sections 71-5801, 71-5803, 71-5804, 71-5809.02, 71-5810, 71-5811, 71-5822, 71-5829, 71-5830, 71-5831, 71-5837, and 71-5849, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 225. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,129 and 60-6,206, Reissue Revised Statutes of Nebraska; to authorize the issuance of an employment driving permit as prescribed; to eliminate a restriction on eligibility for an employment driving permit and an ignition interlock device order; and to repeal the original sections.

LEGISLATIVE BILL 229. Introduced by Dierks, 40; Coordsen, 32; Hudkins, 21; Jones, 43; McKenzie, 34; Schmitt, 41; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to ground water; to amend sections 46-606 and 46-1224, Revised Statutes Supplement, 1994; to eliminate fees for small capacity water wells; and to repeal the original sections.

LEGISLATIVE BILL 230. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska; 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 231. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to trucks; to amend section 25-21,239, Revised Statutes Supplement, 1994; to change a liability provision; and to repeal the original section.

LEGISLATIVE BILL 233. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to corrections; to amend sections 23-2802, 47-101, 47-102, 47-104 to 47-106, 47-108 to 47-110, 47-116, 47-201 to 47-206, 83-4,131, and 83-4,132, Reissue Revised Statutes of Nebraska; to change provisions relating to the Jail Standards Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 234. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to jails; to amend section 47-502, Reissue Revised Statutes of Nebraska; to change good time reductions in city or county jails; and to repeal the original section.

LEGISLATIVE BILL 236. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-1102, 37-1105, and 37-1114, Reissue Revised Statutes of Nebraska; to change provisions relating to park entry permits and permit areas; to create a fund; to eliminate a provision relating to a fund termination date; to repeal the original sections; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 237. Introduced by Beutler, 28.

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

LEGISLATIVE BILL 238. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to chemigation; to amend sections 46-1101, 46-1103, 46-1111, 46-1117, 46-1121, 46-1124, 46-1127, 46-1129.01, 46-1131, 46-1136, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to chemigation; to change fees and penalty provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 242. Introduced by Crosby, 29; Hudkins, 21; Landis, 46.

A BILL FOR AN ACT relating to driving while intoxicated; to amend section 60-4,110, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle during suspension or revocation and impoundment of a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving while intoxicated; to amend section 60-6,209, Reissue Revised Statutes of Nebraska; to change provisions relating to the reduction of a license revocation term; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Schmitt, 41; Elmer, 44; Hall, 7; Robak, 22; Wickersham, 49; Schellpeper, 18; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,282, Reissue Revised Statutes of Nebraska; to change the enforcement and penalty provisions with respect to protective helmets as prescribed; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Dierks, 40; Matzke, 47.

A BILL FOR AN ACT relating to ground water; to amend section 46-613, Reissue Revised Statutes of Nebraska; to redefine domestic use to include aquaculture facility fish; and to repeal the original section.

LEGISLATIVE BILL 249. 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 253. Introduced by Day, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-106, Revised Statutes Supplement, 1994; to provide for a bonded certificate of title; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 253A. 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 253, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 256. Introduced by Hudkins, 21; Beutler, 28; Crosby, 29; Cudaback, 36; Hartnett, 45; Vrtiska, 1.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to change provisions relating to maintenance costs of individuals determined to be mentally incompetent; and to repeal the original section.

LEGISLATIVE BILL 258. Introduced by Wickersham, 49; Landis, 46.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-805, 81-815.60, and 81-2801, Reissue Revised Statutes of Nebraska; to provide powers and duties relating to railroad rights-of-way and recreational trails; to harmonize provisions; to eliminate provisions which have terminated; to repeal the original sections; and to outright repeal sections 81-815.55, 81-815.56, and 81-815.57, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 261. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to accountants; to amend section 1-169, Revised Statutes Supplement, 1994; to provide for accountant liability as prescribed; and to repeal the original section.

LEGISLATIVE BILL 263. Introduced by Warner, 25; Bernard-Stevens, 42; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Engel, 17; Hillman, 48; Jones, 43; Kristensen, 37; Lynch, 13; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to the state lottery; to amend section 81-179, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1994; to change provisions relating to transfer of funds; to provide funding for building renewal; and to repeal the original sections.

LEGISLATIVE BILL 267. Introduced by Schellpeper, 18; Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1994; to exempt personal property of certain cooperatives and nonprofit corporations from taxation; to provide for in lieu of tax payments by certain cooperatives; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 269. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-620, Revised Statutes Supplement, 1994; to change the provisions of the offense of unauthorized use of a financial transaction device; and to repeal the original section.

LEGISLATIVE BILL 272. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,190, Reissue Revised Statutes of Nebraska, and sections 77-27,188 and 77-27,188.01, Revised Statutes Supplement, 1994; to change provisions relating to the allowance and computation of and claims for tax credits; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Pedersen, 39; Lindsay, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816, 43-247, 43-255, and 43-274, Reissue Revised Statutes of Nebraska, and section 43-2,129, Revised Statutes Supplement, 1994; to change provisions relating to criminal offenses; to change and eliminate provisions relating to transfers between courts; to repeal the original sections; and to outright repeal sections 43-261 and 43-276, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 277. Introduced by Schimek, 27, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.03, Revised Statutes Supplement, 1994; to adopt the New Jobs Training Act; to provide for an income tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 278. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716, Revised Statutes Supplement, 1994; to provide a tax credit for educational expenses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 279. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to insurance; to amend section 44-4233, Reissue Revised Statutes of Nebraska; to change tax offset provisions; and to repeal the original section.

LEGISLATIVE BILL 280. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to political subdivisions; to prohibit the controlling of rent.

LEGISLATIVE BILL 281. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses of state government.

LEGISLATIVE BILL 284. Introduced by Robak, 22.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit passengers in the cargo area or on the tailgate of certain vehicles; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 289. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to energy; to provide for a study of use of biomass fuel for electricity production.

LEGISLATIVE BILL 292. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to county government; to amend section 23-109, Reissue Revised Statutes of Nebraska; to provide for imprest funds for counties; and to repeal the original section.

LEGISLATIVE BILL 295. Introduced by Landis, 46, at the request of the Governor.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Revised Statutes Supplement, 1994; to allow a tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to provide for user fees; to create the position of State Recreational Trails Coordinator; to eliminate a termination date; to provide for the revival of sections 81-815.55 and 81-815.56, Reissue Revised Statutes of Nebraska; to outright repeal section 81-815.57, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 298. Introduced by Warner, 25; Coordsen, 32; Kristensen, 37; Preister, 5; Beutler, 28; Vrtiska, 1.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3504, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 298A. 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 298, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 299. 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; to change

the income tax and sales and use tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 301. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to energy; to require an energy-cost study.

LEGISLATIVE BILL 302. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to medical services; to provide for the responsibility for the payment of costs of medical services for individuals who are arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 304. Introduced by Vrtiska, 1; Avery, 3; Coordsen, 32; Janssen, 15; Preister, 5; Schmitt, 41.

A BILL FOR AN ACT relating to public records; to prohibit use of information derived from public records as prescribed; to provide a penalty; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced by Hall, 7; Withem, 14.

A BILL FOR AN ACT relating to state government; to eliminate committees and a commission related to intergovernmental cooperation; to provide an operative date; and to outright repeal sections 81-816 to 81-823, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 308. Introduced by Schmitt, 41; Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

LEGISLATIVE BILL 316. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power; to amend section 70-625, Revised Statutes Supplement, 1994; to state intent; to authorize use of funds for rural economic development; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 319. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the rules of the road; to amend section 60-6,298, Revised Statutes Supplement, 1994; to provide for size permits for certain implements of husbandry; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to students; to adopt the Student Freedom of Expression Act.

LEGISLATIVE BILL 321. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-305.16, 60-311.02, and 60-311.11, Reissue Revised Statutes of Nebraska,

and section 60-311, Revised Statutes Supplement, 1994; to change provisions relating to the number and placement of license plates on certain vehicles; to change provisions relating to tonnage stickers; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-4,184, and 60-507, Reissue Revised Statutes of Nebraska; to change provisions relating to suspension and revocation of driver's licenses and operating privileges; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,131, 60-4,146.01, 60-4,149.01, 60-4,156, 60-4,164, 60-4,165, 60-4,167, and 60-4,169, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-4,146, Revised Statutes Supplement, 1994; to extend the applicability of sections to the Republic of Mexico; to change intrastate commercial driver's license application provisions; to provide for disqualification for violation of an out-of-service order; to change commercial driver's license renewal provisions; to eliminate urine testing under commercial driver's license implied consent provisions; to change hearing requirements; to provide for the automatic disqualification of a commercial driver's license; to provide for an appeal; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 328. Introduced by Robinson, 16; Fisher, 35; Janssen, 15.

A BILL FOR AN ACT relating to pickle cards; to amend section 9-326, Reissue Revised Statutes of Nebraska, and section 9-306.01, Revised Statutes Supplement, 1994; 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 329. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to energy; to require construction and operation of a wind energy conversion system.

LEGISLATIVE BILL 333. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to accountancy; to amend sections 1-106, 1-107, 1-110, 1-122, 1-136.01, 1-151, 1-153, 1-156, 1-159, and 1-170, Reissue Revised Statutes of Nebraska, and sections 1-135, 1-136, 1-137, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160, and 1-169, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to issuance of permits; to impose additional requirements on licensees; to increase board per diem; to change provisions relating to fees; to change professional development requirements; to harmonize provisions; to eliminate provisions for armed forces registration; to repeal the original sections; and to outright repeal sections 1-130, 1-131, and 1-132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 333A. 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 333, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 336. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-719 to 28-721 and 28-725, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1994; to eliminate the Abused or Neglected Child Registry; to change provisions relating to the central register of child protection cases; to provide powers for the Department of Social Services; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-715, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 338. Introduced by Hillman, 48; Bernard-Stevens, 42; Avery, 3.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-109, 37-110, and 37-216.01 to 37-216.09, Reissue Revised Statutes of Nebraska; to provide for aquatic management areas and habitats and for aquatic habitat stamps; to eliminate trout stamps; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 37-217.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 340. Introduced by Abboud, 12; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for litter removal programs administered by the commission.

LEGISLATIVE BILL 345. Introduced by Jones, 43; Bromm, 23; Coordsen, 32; Cudaback, 36; Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to the Game And Parks Commission; to amend section 37-110, Reissue Revised Statutes of Nebraska; to change in lieu of tax payments; and to repeal the original section.

LEGISLATIVE BILL 345A. Introduced by Jones, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 347. Introduced by Jones, 43; Schmitt, 41.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1803, Reissue Revised Statutes of Nebraska; to define a term; to provide powers and duties relating to cable utility system ownership; to create a community advisory board; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 349. Introduced by Robak, 22; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3803, and

79-3808, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to calculation of the local effort rate; and to repeal the original sections.

LEGISLATIVE BILL 351. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to judges retirement; to amend sections 24-703 and 24-708, Revised Statutes Supplement, 1994; to change a fee; to change provisions relating to retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to disaster or civil defense; to amend section 81-829.65, Reissue Revised Statutes of Nebraska; to grant authority to law enforcement personnel; and to repeal the original section.

LEGISLATIVE BILL 355. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-116.02, 53-117, 53-117.05, 53-131, 53-132 to 53-134, 53-135, 53-135.01, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-117.06, 53-122, 53-124, and 53-129, Revised Statutes Supplement, 1994; to change provisions relating to licenses and penalties; 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, location of licensed premises, license applications and issuance, hearings, protests, disciplinary proceedings, and appeals; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 53-134.02 and 53-134.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 357. Introduced by Dierks, 40; Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to farming and ranching; to provide a reporting system for entities involved in farm and ranch operations; to provide duties for the Secretary of State and Attorney General; and to provide a penalty.

LEGISLATIVE BILL 359. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to electricity; to require net billing for certain electricity generators.

LEGISLATIVE BILL 361. 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 362. Introduced by Will, 8.

A BILL FOR AN ACT relating to income tax; to amend section 77-2716.01, Revised Statutes Supplement, 1994; 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 364. Introduced by Schimek, 27; Crosby, 29.

A BILL FOR AN ACT relating to the Local Option Tax Control Act; to amend sections 77-3405, 77-3406, and 77-3408, Reissue Revised Statutes of Nebraska, and section 77-3402, Revised Statutes Supplement, 1994; to change petition and election procedures; to eliminate a penalty and obsolete provisions; to repeal the original sections; and to outright repeal sections 77-3407 and 77-3410.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 367. Introduced by Wehrbein, 2; Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to provide a cause of action for disparagement of a perishable agricultural food product or commodity; and to provide an operative date.

LEGISLATIVE BILL 368. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1301, 84-1310.01, 84-1311, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2309.01, 23-2310, 50-438, 72-1237, 72-1239, and 72-1243, Revised Statutes Supplement, 1994; to change provisions relating to state and county employee retirement; to define and redefine terms; to change provisions relating to investments and investment options; to change the powers and duties of the Public Employees Retirement Board, the state investment officer, and the director of the Nebraska Public Employees Retirement Systems; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1309.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 370. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2306, 84-1307, 84-1317, and 84-1321, Reissue Revised Statutes of Nebraska, and section 23-2319, Revised Statutes Supplement, 1994; to change provisions relating to membership, the commencement of termination benefits, and retirement age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 373. Introduced by Dierks, 40; McKenzie, 34.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5662, 71-5663, 71-5668, and 71-5669, Revised Statutes Supplement, 1994; to include students of pharmacy, dentistry, physical therapy, and occupational therapy in the loan program; and to repeal the original sections.

LEGISLATIVE BILL 373A. 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 373, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 375. Introduced by Schellpeper, 18.

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 378. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to state employee retirement; to amend section 84-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to employee contributions; and to repeal the original section.

LEGISLATIVE BILL 383. Introduced by Hillman, 48; Robak, 22.

A BILL FOR AN ACT relating to intercity bus systems; to amend section 13-1213, Revised Statutes Supplement, 1994; to authorize purchases of vehicles and equipment; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Bromm, 23; Avery, 3; Beutler, 28; Crosby, 29; Cudaback, 36; Hudkins, 21; Janssen, 15; Jones, 43; Lynch, 13; Pedersen, 39; Pirsch, 10; Preister, 5.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1835 and 81-1844, Reissue Revised Statutes of Nebraska; to impose a surcharge on certain defendants; to provide for distribution of the surcharge; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to vital statistics; to amend sections 71-612, 71-617.15, 71-627, 71-628, and 71-634, Revised Statutes Supplement, 1994; to change filing fees; to change provisions relating to a record of annulment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health; to amend sections 71-3502, 71-3505, 71-3508, 71-3515.01, and 71-3515.02, Reissue Revised Statutes of Nebraska, and sections 71-3501, 71-3503, 71-3507, 71-7001, 71-7004, and 71-7012, Revised Statutes Supplement, 1994; to change provisions relating to education, training, and testing of persons operating X-ray systems; to change provisions relating to mammography; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 405A. 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 405, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 410. Introduced by Janssen, 15; Hartnett, 45; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302, Revised Statutes Supplement, 1994; to change provisions relating to citations for failure to register motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Day, 19; Withem, 14; Will, 8.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 71-1,147.01, 71-1704, 71-1705, 71-1707, 71-1714, 71-1716 to 71-1716.03, 71-1721, 71-1721.07, 71-1723, 71-1723.01, and 71-1725 to 71-1726.02, Reissue Revised Statutes of Nebraska, sections 71-1,103, 71-1,132.11, 71-1,143, 71-1706, 71-1717, 71-1721.06, 71-1722, 71-1724, 71-1724.01, 71-1730, 71-1735, and 71-1913.01, Revised Statutes Supplement, 1994; to provide for licensing of advanced registered nurse practitioners; to eliminate certification of nurse practitioners; to change provisions relating to certified registered nurse anesthetists; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-1711, 71-1715, and 71-1721.01 to 71-1721.05, Reissue Revised Statutes of Nebraska, and sections 71-1716.04 and 71-1728, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 414A. 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 414, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 415. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend sections 8-103.01, 8-1,134, 8-1,136, 8-1,137, 8-1401, 28-612, and 44-1601, Reissue Revised Statutes of Nebraska, and section 21-17,120.01, Revised Statutes Supplement, 1994; to adopt the Credit Union Act; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 21-1760 to 21-1764, 21-1766 to 21-1770, 21-1772 to 21-1773.01, 21-1775, 21-1776, 21-1777.01 to 21-1781, 21-1783 to 21-1789, 21-1791, 21-1793 to 21-1796, 21-1799 to 21-17,108, 21-17,110, 21-17,112 to 21-17,117.04, 21-17,120, and 21-17,120.02 to 21-17,125, Reissue Revised Statutes of Nebraska, and sections 21-1771, 21-1774, 21-1777, 21-1782, 21-1790, 21-17,117.05, 21-17,118, and 21-17,126, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 419. Introduced by Crosby, 29.

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

LEGISLATIVE BILL 422. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to child labor; to amend section 48-310, Reissue Revised Statutes of Nebraska; to change provisions relating to working hours; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Lindsay, 9; Bromm, 23.

A BILL FOR AN ACT relating to guardians and conservators; to amend section 30-2601, Reissue Revised Statutes of Nebraska, and sections 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, 1994; 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, and limitations on proceedings against trustees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 425. Introduced by Engel, 17, Avery, 3, Bohlke, 33, Brashear, 4, Bromm, 23, Brown, 6, Coordsen, 32, Crosby, 29, Cudaback, 36, Day, 19, Dierks, 40, Fisher, 35, Hall, 7, Hartnett, 45, Hillman, 48, Janssen, 15, Lindsay, 9, Lynch, 13, Matzke, 47, Maurstad, 30, McKenzie, 34, Pirsch, 10, Robak, 22, Robinson, 16, Schmitt, 41, Schrock, 38, Stuhr, 24, Vrtiska, 1, Wesely, 26, Wickersham, 49, Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to amend sections 81-1201.01, 81-1201.03, and 81-1201.20, Reissue Revised Statutes of Nebraska; to create the Selective Enhancement for Economic Development Fund; to authorize loans; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 425A. Introduced by Engel, 17; Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 425, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 426. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1994; to provide for a driver safety course as prescribed; and to repeal the original section.

LEGISLATIVE BILL 428. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 60-6,246, 60-1301, 71-1569, 76-1463, 81-5,138, 81-5,142, and 81-1615, Reissue Revised Statutes of Nebraska, and sections 14-402, 15-902, 19-902, 23-114, 28-1212.02, and 71-6405, Revised Statutes Supplement, 1994; to eliminate the Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-1555, 71-1556, 71-1560, 71-1562, 71-1563, 71-1566 to 71-1568, 71-4601, 71-4602, 71-4605, 71-4612, 71-4615, and 81-5,140, Reissue Revised Statutes of Nebraska, and sections 71-1557 to 71-1559, 71-1561, 71-1564, 71-1565, 71-4603 to 71-4604.01, 71-4606, 71-4608 to 71-4611, 71-4613, 71-4614, and 71-4616 to 71-4620, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 432. Introduced by Withem, 14.

A BILL FOR AN ACT relating to wards of the state; to amend section 79-445, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of special education costs; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 435. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the University of Nebraska-Lincoln; to amend section 28-105, Reissue Revised Statutes of Nebraska; to require payment of football players as prescribed; to state intent; to provide a penalty; to provide for a Class V felony; and to repeal the original section.

LEGISLATIVE BILL 436. Introduced by Hartnett, 45; Brashear, 4; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to the Local Option Municipal Economic Development Act; to amend section 18-2708, Reissue Revised Statutes of Nebraska, and sections 18-2709 and 18-2717, Revised Statutes Supplement, 1994; to redefine terms; to eliminate a restriction relating to appropriations; and to repeal the original sections.

LEGISLATIVE BILL 440. Introduced by Vrtiska, 1; Matzke, 47; Wesely, 26.

A BILL FOR AN ACT relating to public assistance; to provide for reimbursement to counties for medical assistance program costs and general assistance program costs.

LEGISLATIVE BILL 442. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to medical records; to require health care providers to furnish a patient's medical records to the patient as prescribed.

LEGISLATIVE BILL 443. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to military personnel; to amend section 80-901, Reissue Revised Statutes of Nebraska; 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 446. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to parole; to amend sections 83-189 to 83-191, 83-196, 83-1,111, and 83-1,114, Reissue Revised Statutes of Nebraska; to change provisions relating to the Board of Parole; to change voting requirements; and to repeal the original sections.

LEGISLATIVE BILL 460. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to breast and cervical cancer; to amend sections 71-7001, 71-7002, 71-7003, 71-7004, 71-7009, 71-7010, 71-7012, and 71-7013, Revised Statutes Supplement, 1994; to change provisions relating to

mammography screening; to provide for use of certain federal funds; to change provisions relating to a fund and a committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 460A. 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 460, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 462. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-480, 60-491, 60-4,123, 60-4,124, 60-4,125, 60-4,126, 60-4,142, 60-4,183, 60-6,117, and 60-1403.01, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,112, and 60-4,118, Revised Statutes Supplement, 1994; to change provisions relating to the issuance of motor vehicle operators' licenses and permits; to change penalty provisions; to provide for a driver safety course; to provide for an advisory committee; to require a driver's education and training course as prescribed; to provide for the revocation of motor vehicle operators' licenses and permits; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 463. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to the Light-Density Rail Line Assistance Act; to amend sections 74-1401 to 74-1402.01, 74-1405 to 74-1406, 74-1407.01, 74-1410, 74-1410.01, 74-1412.01 to 74-1415.01, 74-1415.04, 74-1415.05, 74-1419.02, 74-1420 to 74-1420.03, 74-1427, and 74-1429, Revised Statutes Supplement, 1994; to change provisions relating to revitalization projects; to define and redefine terms; to change and provide powers and duties of the Nebraska Railway Council and the Department of Roads; to eliminate the division of railroads; to change provisions relating to grants, loans, and funding; to harmonize provisions; to repeal the original sections; and to outright repeal sections 74-1415.02, 74-1419.01, and 74-1419.03, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 464. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motorboats; to amend sections 23-186, 37-1214, 37-1275 to 37-1280, 37-1282 to 37-1287, 37-1289, and 37-1291, Revised Statutes Supplement, 1994; to change provisions relating to motorboat registration, certificates of title, and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-311.03, 60-311.04, 60-311.08 to 60-311.10, 60-311.12, and 60-311.13, Reissue Revised Statutes of Nebraska; to provide for special interest license plates; to change provisions relating to veterans and personalized message license plates; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 465A. 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 465, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 466. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to railroads; to create the Nebraska Railroad Grade Crossing Safety Committee; to provide a termination date; and to provide powers and duties.

LEGISLATIVE BILL 468. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.04, Reissue Revised Statutes of Nebraska, and section 53-117.06, Revised Statutes Supplement, 1994; to eliminate provisions relating to registration of beer kegs; to harmonize provisions; to repeal the original sections; and to outright repeal sections 53-167.01 to 53-167.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 469. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; 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, and section 19-4618, Revised Statutes Supplement, 1994; to provide for a consolidated rate hearing by videoconference as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 471. Introduced by Landis, 46.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-318 and 28-320, Reissue Revised Statutes of Nebraska, and section 28-319, Revised Statutes Supplement, 1994; to define terms; to change provisions relating to sexual assault; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to family law; to amend section 43-1414, Revised Statutes Supplement, 1994; to change provisions relating to genetic testing in paternity determinations; to provide for enforcement and modification of certain foreign support orders; to authorize certain Department of Social Services petty cash funds; and to repeal the original section.

LEGISLATIVE BILL 475. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to provide procedures for review of district court rulings regarding life-threatening medical emergencies of certain persons who are unable to make decisions concerning quality of life and minors.

LEGISLATIVE BILL 478. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to employment security; to amend section 48-647, Revised Statutes Supplement, 1994; to clarify authorized withholding from benefits; and to repeal the original section.

LEGISLATIVE BILL 481. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to motor carriers; to amend section 75-363, Revised Statutes Supplement, 1994; to adopt updated federal Motor Carrier Safety Regulations as Nebraska law; and to repeal the original section.

LEGISLATIVE BILL 484. Introduced by Avery, 3; Engel, 17; Fisher, 35; Maurstad, 30; Schellpeper, 18.

A BILL FOR AN ACT relating to petroleum release remedial actions; to amend sections 66-1523 and 66-1525, Revised Statutes Supplement, 1994; to change reimbursement provisions; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3910, 21-2202, 43-2402, 43-2404, 43-2405, 43-2407 to 43-2413, 60-6,201, 60-6,202, and 60-6,204, Reissue Revised Statutes of Nebraska, and sections 21-2209, 21-2216, 43-2403, 43-2406, 71-1,103, 71-901, 71-1903, and 71-1913, Revised Statutes Supplement, 1994; to change provisions relating to milkshed surveys, filings by professional corporations, juvenile services, clinical laboratories, and inspections by the Department of Health; to change and provide duties under the Juvenile Services Act; to rename the Juvenile Services Grant Committee and change its membership; to eliminate the Clinical Laboratories Certification Act; to eliminate certain investigation and inspection duties of the Department of Health; to eliminate an advisory committee to the Department of Public Institutions; to repeal the original sections; and to outright repeal sections 71-6802, 71-6804, 71-6805, 71-6808, 71-6809, 71-6811 to 71-6815, 71-6817 to 71-6819, 71-6822, 71-6823, 71-6824 to 71-6831, and 83-211.02, Reissue Revised Statutes of Nebraska, and sections 71-6801, 71-6803, 71-6806, 71-6807, 71-6810, 71-6815.01, 71-6816, 71-6820, 71-6821, and 71-6823.01, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 489. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to limited liability companies; to amend section 44-4002, Reissue Revised Statutes of Nebraska, and sections 21-2602, 21-2619, 21-2621, 21-2622, 21-2628, and 21-2649, Revised Statutes Supplement, 1994; to change restrictions on organization and withdrawal of contributions; to change vote requirements; and to repeal the original sections.

LEGISLATIVE BILL 492. Introduced by Hall, 7; Crosby, 29; Day, 19; Lindsay, 9; McKenzie, 34.

A BILL FOR AN ACT relating to medical nutrition therapy; to amend sections 33-150, 71-1,285 to 71-1,292, and 71-1,294, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-102, 71-107, 71-110, 71-112 to 71-114, 71-131, 71-162, and 71-1,293, Revised Statutes Supplement, 1994; to change certified nutritionist and dietetic and nutrition services to licensed medical nutrition therapists and medical nutrition therapy; to define the practice and licensure requirements; to rename a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 495. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Schimek, 27; and Vrtiska, 1.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-5002, 81-2213, and 83-1,143.06, Reissue Revised Statutes of Nebraska, and sections 71-7501, 71-7503, and 71-7516 Revised Statutes Supplement, 1994; to provide for human services regions; to provide powers and duties; to terminate certain regions and areas; to eliminate obsolete provisions and community public health services regions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-1729, 68-1730, and 71-7522 to 71-7529, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 496. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Day, 19; Dierks, 40; Jensen, 20; Matzke, 47; Schimek, 27; Schrock, 38 and Beutler, 28; Schrock, 38; Fisher, 35.

A BILL FOR AN ACT relating to public health and welfare; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Parkinson's Disease Registry Act; to provide a termination date; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Day, 19.

A BILL FOR AN ACT relating to Nebraska Health Care Certificate of Need Act; to amend sections 71-5828, 71-5833, 71-5838, 71-5846, 71-5848, 71-5853, 71-5859.04, 71-5865, and 71-5866, and 71-5869, Reissue Revised Statutes of Nebraska, and sections 71-5801 and 71-5830, Revised Statutes Supplement, 1994; to change provisions relating to acquisitions requiring a certificate of need, review and recommendation procedures, criteria for granting or denying a certificate of need, and appeal procedures; to harmonize provisions; to repeal the original sections; to outright repeal section 71-5859, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 498. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to crimes; to create the offense of coercing a health care professional; and to provide a penalty.

LEGISLATIVE BILL 504. Introduced by Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Reissue Revised Statutes of Nebraska; to redefine occupational disease to include cumulative trauma; and to repeal the original section.

LEGISLATIVE BILL 507. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving while intoxicated; to amend sections 60-6,211.01 to 60-6,211.04, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to minors; to eliminate the sealing of records requirement for minors; and to repeal the original sections.

LEGISLATIVE BILL 511. Introduced by Bromm, 23; Crosby, 29; Lindsay, 9; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1401, Revised Statutes Supplement, 1994; to prohibit campaign contributions during legislative sessions as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to banks and banking; to adopt provisions relating to mergers.

LEGISLATIVE BILL 515. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to authorize purchase of insurance by associations; to provide for registration of the associations; to provide duties for the Director of Insurance and the Revisor of Statutes; and to provide a penalty.

LEGISLATIVE BILL 516. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to judges; to amend section 24-810, Revised Statutes Supplement, 1994; to terminate the Judicial Resources Commission; to provide duties for the commission; and to repeal the original section.

LEGISLATIVE BILL 518. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,108 and 60-4,110, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to suspension and revocation of operator's licenses; to repeal the original sections; and to outright repeal section 60-4,109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 521. Introduced by Avery, 3.

A BILL FOR AN ACT relating to state employee retirement; to amend sections 84-1317 and 84-1321, Reissue Revised Statutes of Nebraska; to change provisions relating to vesting; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Avery, 3; Wickersham, 49.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-416.01, Reissue Revised Statutes of Nebraska; to change the membership of the Nebraska Retirement Systems Committee; and to repeal the original section.

LEGISLATIVE BILL 528. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1301, 84-1311, 84-1331, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2310, 23-2331, 72-1237, and 72-1243, Revised Statutes Supplement, 1994; to define and redefine terms; to change provisions relating to employer accounts and membership and duties of the Nebraska Investment Council and the Public Employees Retirement Board; to create a fund and provide for its use; to provide duties; to maintain the purchasing power of retirement benefits as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-1309.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 532. Introduced by Brown, 6; Day, 19; Schimek, 27.

A BILL FOR AN ACT relating to insurance; to state intent; and to require treatment of obstetricians/gynecologists as primary care physicians.

LEGISLATIVE BILL 533. Introduced by Schellpeper, 18; Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 77-1239 and 77-1240.03, Revised Statutes Supplement, 1994; to change provisions relating to taxation of motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 536. Introduced by Beutler, 28; Kristensen, 37.

A BILL FOR AN ACT relating to banks and banking; to define terms; to provide for automatic teller machine safety; and to declare an emergency.

LEGISLATIVE BILL 537. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1603 to 32-1606 and 49-1459, Reissue Revised Statutes of Nebraska; 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 540. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Supplement, 1994; to exclude certain part-time musicians; and to repeal the original section.

LEGISLATIVE BILL 543. Introduced by Beutler, 28; Crosby, 29; Landis, 46; Schimek, 27; Warner, 25; Wesely, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3805, Reissue Revised Statutes of Nebraska; to change provisions relating to tiers; and to repeal the original section.

LEGISLATIVE BILL 548. Introduced by Beutler, 28; Lindsay, 9.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1610 and 49-1446.01, Revised Statutes Supplement, 1994; to adopt the Candidate Campaign Committee Income Tax Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 553. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decommissioned water wells; to amend section 46-1405, Revised Statutes Supplement, 1994; to eliminate a requirement for an affidavit; to eliminate a penalty; and to repeal the original section.

LEGISLATIVE BILL 554. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1501, Reissue Revised Statutes of Nebraska; to authorize user fees; to repeal a termination date; to repeal the original section; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 555. Introduced by Beutler, 28, at the request of the Governor.

A BILL FOR AN ACT relating to child labor; to permit employment of certain minors in hazardous occupations as prescribed.

LEGISLATIVE BILL 558. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4625, 71-4628, 71-4632, 71-4633, 71-4634, and 71-4635, Reissue Revised Statutes of Nebraska, and section 71-4621, Revised Statutes Supplement, 1994; to define terms; to require mobile home park owners to provide a storm shelter as prescribed; to provide powers and duties for the Department of Health; to provide powers for the State Fire Marshal; to provide for applicability of law; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 562. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305, 79-1501, 79-1503, 81-2014, 81-2019, 81-2026, 84-1301, and 84-1305, Reissue Revised Statutes of Nebraska, and sections 2-1608, 23-2301, 24-701, and 24-704, Revised Statutes Supplement, 1994; to change provisions relating to compensation; to define and redefine terms; to eliminate certain duties of the Public Employees Retirement Board; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Robinson, 16; Janssen, 15; Lynch, 13; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to public buildings; to amend sections 52-118, 52-118.02, 81-1108.15, 81-1108.16, 81-1108.41, 81-1108.43, 83-134, and 83-916, Reissue Revised Statutes of Nebraska, and section 72-803, Revised

Statutes Supplement, 1994; to change provisions relating to performance bonds; 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 569. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to change recovery limitations; and to repeal the original section.

LEGISLATIVE BILL 575. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to municipal zoning jurisdiction; to amend section 14-373, Reissue Revised Statutes of Nebraska; to change provisions relating to planning boards for cities of the metropolitan class; and to repeal the original section.

LEGISLATIVE BILL 576. Introduced by Avery, 3; Beutler, 28; Elmer, 44.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-306, 37-501, 37-501.01, 37-513, 37-537, 37-712 to 37-718, 37-726, 37-901, 37-902 to 37-906, 37-908 to 37-911, 81-805, 81-811, and 81-814.02, Reissue Revised Statutes of Nebraska, and sections 2-5005, 37-101, 37-102, 37-304.01, 37-505, 37-702, 37-703, 37-705 to 37-707, 37-711, and 37-711.01, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to aquaculture, game and fur farming, dog training, and controlled shooting areas; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-901.01, 37-907, and 37-912 to 37-914, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 578. Introduced by Day, 19; Bernard-Stevens, 42; Crosby, 29; Hillman, 48.

A BILL FOR AN ACT relating to foster care; to amend section 43-1308, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to the review of foster care placements; to provide a joint case review process; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 582. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to energy efficiency loans; to amend section 81-1632, Reissue Revised Statutes of Nebraska; to change provisions relating to loans and repayments; to repeal the original section; and to outright repeal section 81-1634, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 584. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to motorboats; to amend sections 37-1204, 37-1211, 37-1254.01 to 37-1254.06, 37-1254.08, 60-463, 60-473, 60-474, 60-479, 60-480, 60-481, 60-487, 60-491, 60-497, 60-4,103, 60-4,104, 60-4,107

to 60-4,110, 60-4,115, 60-4,119, 60-4,122, and 60-4,148, Reissue Revised Statutes of Nebraska, and sections 37-1291, 60-462, 60-484, 60-4,112, 60-4,114, 60-4,118, 60-4,118.01, 60-4,118.03, and 60-4,120, Revised Statutes Supplement, 1994; to provide for and require operator's licenses or boater education programs for motorboat operators; to provide fees and penalties; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Janssen, 15; Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Reissue Revised Statutes of Nebraska; to change provisions relating to the handling and carrying of alcoholic liquors by minors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 587. Introduced by Hall, 7; Day, 19; Jones, 43; Lynch, 13; Schmitt, 41.

A BILL FOR AN ACT relating to developmental disabilities services; to amend sections 83-1201 and 83-1216, Reissue Revised Statutes of Nebraska; to state intent relating to appropriations; to change provisions relating to service recipients; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 588. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to liquor; to amend section 53-101, Revised Statutes Supplement, 1994; to authorize a civil action for damages resulting from a misrepresentation of age by a minor; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 590. Introduced by Robak, 22; Crosby, 29; Schellpeper, 18; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to libraries; to amend sections 19-1301, 39-1522, and 84-304, Reissue Revised Statutes of Nebraska, and sections 17-967 and 19-1302, Revised Statutes Supplement, 1994; to provide for 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 and county libraries; to harmonize provisions; to repeal the original sections; and to outright repeal sections 51-201, 51-201.01, and 51-203 to 51-219, Reissue Revised Statutes of Nebraska, and section 51-202, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 592. Introduced by Day, 19, Beutler, 28, at the request of the Governor.

A BILL FOR AN ACT relating to family law; to amend sections 42-364.15 and 43-2903 to 43-2917, Reissue Revised Statutes of Nebraska, and sections 42-358, 42-364, 43-2,113, 43-512.03, 43-512.04, 43-1214.01, 43-1412, 43-2919, and 60-4,105, Revised Statutes Supplement, 1994; to adopt the License Revocation Act; to provide for administrative attachment for support orders; to change provisions relating to contempt and service of process in support proceedings; to provide for nonbiding mandatory mediation for parents to determine issues under the Parenting Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 592A. 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 592, Ninety-fourth Legislature, First Session, 1995; and to reduce an appropriation.

LEGISLATIVE BILL 594. Introduced by Withem, 14.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Reissue Revised Statutes of Nebraska, and sections 9-211 and 9-309, Revised Statutes Supplement, 1994; to redefine terms relating to donations of profits from bingo and pickle card activities; to provide an additional power for district boards relating to retirement and disability plans; to provide powers and duties for the Department of Revenue and the Auditor of Public Accounts; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Withem, 14.

A BILL FOR AN ACT relating to motor vehicle operator's licenses; to amend section 60-479, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1994; to provide for the restriction, suspension, and impoundment of an operator's license of persons under nineteen years of age as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 596. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change the corporate tax rate for insurance companies subject to retaliatory taxes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-709 and 28-1204, Reissue Revised Statutes of Nebraska, and section 28-707, Revised Statutes Supplement, 1994; 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 600. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-402, 79-3801, 79-3803, 79-3806, 79-3812, and 79-3813, Reissue Revised Statutes of Nebraska; to provide for incentives for reorganized districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 604. Introduced by Schrock, 38; Beutler, 28; Dierks, 40; Matzke, 47; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-402.15, 79-403, and 79-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to affiliation of and transfer of property between school districts; and to repeal the original sections.

LEGISLATIVE BILL 607. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to teachers; to amend sections 48-233, 79-1254.06, 79-12,105, 79-12,107, 79-12,111, 79-12,112, 79-12,114, 79-12,115.01, 79-12,119 to 79-12,121.02, and 79-3508, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings; to change applicability of defined terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 608. Introduced by Warner, 25.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-1103, Reissue Revised Statutes of Nebraska; to change a voting requirement for city council in planning issues; and to repeal the original section.

LEGISLATIVE BILL 611. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to smoke detectors; to amend sections 81-5,133, 81-5,134, 81-5,136, 81-5,137, and 81-5,142, Reissue Revised Statutes of Nebraska; to change provisions relating to required smoke detectors; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 612. Introduced by Hartnett, 45; Schimek, 27.

A BILL FOR AN ACT relating to visually impaired persons; to amend section 83-211.02, Reissue Revised Statutes of Nebraska; to eliminate the advisory committee to the Department of Public Institutions; to create the rehabilitation advisory council to the Department of Public Institutions; to provide powers and duties; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 615. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 45-702, Reissue Revised Statutes of Nebraska, and section 8-1511, Revised Statutes Supplement, 1994; to adopt the Nebraska Bank Holding Company Act of 1995; to repeal the Bank Holding Company Act of 1963 and the One Bank Holding Company Act of 1973; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 8-901, 8-902.01 to 8-902.05, 8-904, 8-1201, 8-1203 to 8-1207, and 8-1514, Reissue Revised Statutes of Nebraska, and sections 8-902, 8-903, and 8-1202, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 619. Introduced by Schrock, 38; Coordsen, 32; Day, 19; Dierks, 40; Elmer, 44; Schmitt, 41; Preister, 5; Engel, 17.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,134 and 71-1,135, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-1,103, 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Revised Statutes Supplement, 1994; to redefine the practice of optometry; to provide a process for approval of surgical procedures; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3801 to 79-3803, 79-3807, 79-3812, 79-3813, 79-3817, and 79-3822, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 624. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to education; to amend sections 79-101.01, 79-402, 79-407, 79-426.15, 79-445, 79-451, 79-488, 79-4,196, 79-501, 79-810, 79-1384, 79-2201.01, 79-3406, 79-3409, 79-3807, 79-3815, and 79-3817, Reissue Revised Statutes of Nebraska; to change approval provisions for changing school boundaries; to specify separate voting units for reorganization plans; to change residency provisions; to change report requirements; to provide for transportation rules and regulations; to change meeting dates; to alter publication requirements; to change provisions relating to the authority to borrow money; to authorize the sale of property; to change provisions relating to the enrollment option program; to change budget provisions; to eliminate obsolete language; to harmonize provisions; to eliminate obsolete provisions; to repeal the original sections; and to outright repeal sections 79-478, 79-479, 79-480, 79-481, 79-482, 79-483, 79-484, and 79-485, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 624A. 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 624, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 625. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to provide a deadline for completion of salary negotiations.

LEGISLATIVE BILL 627. Introduced by Witek, 31.

A BILL FOR AN ACT relating to administrative departments; to provide duties for the Department of Banking and Finance.

LEGISLATIVE BILL 628. Introduced by Lynch, 13; Bohlke, 33; Crosby, 29; Janssen, 15; Lindsay, 9; Robinson, 16; Schrock, 38.

A BILL FOR AN ACT relating to postsecondary education; to state findings; and to provide for an appropriation.

LEGISLATIVE BILL 630. Introduced by Coordsen, 32; Bromm, 23; Dierks, 40; Hudkins, 21; Janssen, 15; Jones, 43; Schellpeper, 18; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to state legislative intent relating to the funding of public education.

LEGISLATIVE BILL 633. Introduced by Hillman, 48; Brown, 6; Day, 19; Withem, 14.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1994; to make certain training not a disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 634. Introduced by Bohlke, 33; Fisher, 35; Janssen, 15.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change an emission fee; and to repeal the original section.

LEGISLATIVE BILL 635. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the State Board of Health; to amend section 71-2607, Reissue Revised Statutes of Nebraska, and section 71-2610.01, Revised Statutes Supplement, 1994; to adopt the Nebraska Health Resource Commission Act; to change provisions relating to board staff and powers; and to repeal the original sections.

LEGISLATIVE BILL 635A. 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 635, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 637. Introduced by Wickersham, 49; Janssen, 15; Matzke, 47; Schellpeper, 18; Wesely, 26.

A BILL FOR AN ACT relating to emergency services providers; to amend sections 71-5103 and 71-5133, Reissue Revised Statutes of Nebraska, and sections 71-5109, 71-5142, 71-5147, 71-5152, 71-5157, 71-5514.01, and 71-7303, Revised Statutes Supplement, 1994; to change provisions relating to funding, qualifications, rules and regulations, and evaluation; to create a fund; and to repeal the original sections.

LEGISLATIVE BILL 639. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-4,179.01 and 79-4,195, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative educational programs; and to repeal the original sections.

LEGISLATIVE BILL 640. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drinking water; to adopt the Drinking Water Source Quality Act.

LEGISLATIVE BILL 642. Introduced by Avery, 3; Brashear, 4; Brown, 6; Crosby, 29; Dierks, 40; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Kristensen, 37; Lynch, 13; Maurstad, 30; McKenzie, 34; Schellpeper, 18; Vrtiska, 1; Warner, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Foster Care Review Board; to amend section 43-1302, Reissue Revised Statutes of Nebraska; to provide for Title IV-E reviews; to provide duties for the board and the Department of Social Services; and to repeal the original section.

LEGISLATIVE BILL 642A. Introduced by Avery, 3; Dierks, 40; Fisher, 35; Hudkins, 21; Jensen, 20; Jones, 43; Landis, 46; Matzke, 47; McKenzie, 34; Pirsch, 10; Preister, 5; Robak, 22; Vrtiska, 1; Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 642, Ninety-fourth Legislature, First Session, 1995; and to transfer funds.

LEGISLATIVE BILL 643. Introduced by Avery, 3; Brashear, 4; Engel, 17; Pedersen, 39.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-479, 60-4,124, 60-4,125, and 60-4,126, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1994; to change provisions relating to school, learner's and farm permits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 645. Introduced by Abboud, 12; Bromm, 23; Preister, 5; Pedersen, 39; Day, 19; Witek, 31; Pirsch, 10.

A BILL FOR AN ACT relating to sex offenders; to create the Sex Offender Registration Act; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 649. Introduced by Cudaback, 36; Jones, 43; Schmitt, 41.

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

LEGISLATIVE BILL 650. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to Morrill Hall; to authorize continued renovation; to appropriate funds for exhibit renovation; and to require matching nonstate funds.

LEGISLATIVE BILL 651. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to schools; to provide for state aid for capital improvements; to create a fund; and to provide a termination date.

LEGISLATIVE BILL 652. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to county government; to prohibit the assessment of costs for court actions to the county by the state as prescribed.

LEGISLATIVE BILL 659. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-2017.01, Revised Statutes Supplement, 1994; to redefine health clinic; and to repeal the original section.

LEGISLATIVE BILL 661. Introduced by Pirsch, 10; Hudkins, 21; Janssen, 15; Robak, 22.

A BILL FOR AN ACT relating to shoplifting; to amend section 28-511.01, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1994; to prohibit certain acts relating to antitheft devices; and to repeal the original section.

LEGISLATIVE BILL 662. Introduced by Will, 8.

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

LEGISLATIVE BILL 664. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to schools; to amend section 79-3804, Reissue Revised Statutes of Nebraska; to provide for school bond state aid; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 667. Introduced by Day, 19.

A BILL FOR AN ACT relating to insurance; to adopt the Children's Health Purchasing Cooperative Act; and to declare an emergency.

LEGISLATIVE BILL 670. Introduced by Withem, 14; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3509.02, 79-3803, 79-3804, and 79-3810, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to change provisions relating to allocated income tax; and to repeal the original sections.

LEGISLATIVE BILL 673. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to nonprofit corporations; to amend sections 8-1401, 21-1101, 21-17,132, and 23-3504, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Nonprofit Corporation Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 21-1901 to 21-1903, 21-1905 to 21-1991, and 21-1996 to 21-19,109, Reissue Revised Statutes of Nebraska, and section 21-1904, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 674. Introduced by Wickersham, 49; Hillman, 48.

A BILL FOR AN ACT relating to higher education; to amend sections 10-127, 10-142, 13-916, 13-1612, 44-1615, 49-506, 79-4,241, 79-1429, 79-1522.01,

79-3002, 81-1118.02, 81-1201.21, 85-121, 85-121.03, 85-301, 85-304, 85-306 to 85-308.01, 85-310, 85-314 to 85-316, 85-317.01 to 85-319, 85-606.01, 85-917, 85-933, 85-943, 85-949, 85-966, 85-966.01, 85-1402, 85-1404, 85-1412 to 85-1414, 85-1416, 85-1418, 85-1503, 85-1504, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-2202, 32-567, 32-607, 32-608, 32-1203, 32-1301, 32-1302, 48-621, 48-622.03, 77-2363, and 77-3439, Revised Statutes Supplement, 1994; to provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges; to change provisions relating to the board of trustees; to eliminate a duty of the Coordinating Commission for Postsecondary Education and provisions relating to boards of governors; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-121.05, 85-312, 85-1501, 85-1502, 85-1505 to 85-1512, 85-1514 to 85-1540, Reissue Revised Statutes of Nebraska, and section 32-514, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 675. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1378, 77-1384, and 77-1506.02, Revised Statutes Supplement, 1994; to change and eliminate appeal procedures relating to valuation; to repeal the original sections; and to outright repeal sections 77-1385 to 77-1388, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 676. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-1522.01, 79-3509.02, 79-3801, 79-3803, and 79-3819, Reissue Revised Statutes of Nebraska, and section 43-2513, Revised Statutes Supplement, 1994; to establish the Retirement Incentive Plan and Staff Development Assistance for certain reorganized districts; to provide incentives for reorganization studies; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 678. Introduced by Hartnett, 45; Schellpeper, 18.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Revised Statutes Supplement, 1994; to change provisions relating to unlawful possession of a firearm on school grounds; and to repeal the original section.

LEGISLATIVE BILL 681. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-301, 67-303 to 67-306, 67-311, 67-315, 67-318, 67-325, 67-328, 67-334, 67-336, and 67-340, Reissue Revised Statutes of Nebraska, and section 67-302, Revised Statutes Supplement, 1994; to define a term; to provide for registered limited liability partnerships as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 683. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to health care; to amend section 44-3,131, Reissue Revised Statutes of Nebraska; to require health insurance coverage for certain joint disorders; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-801, Reissue Revised Statutes of Nebraska; to change membership requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 687. Introduced by Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-239 and 9-625, Reissue Revised Statutes of Nebraska, and sections 9-404, 9-429, and 9-648, Revised Statutes Supplement, 1994; to change and eliminate taxation provisions; to redefine a term; to eliminate certain permit, filing, and notification requirements; to eliminate provisions on local control and elections relating to bingo, lotteries, and raffles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-236, 9-433, and 9-644, Reissue Revised Statutes of Nebraska, and sections 9-237 and 9-643, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 688. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-313, 9-317, 9-337, and 9-345.03, Reissue Revised Statutes of Nebraska, and sections 9-315 and 9-346, Revised Statutes Supplement, 1994; to authorize the use of electronic pickle card dispensing devices as prescribed; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-2134, Reissue Revised Statutes of Nebraska; to change provisions relating to dividends and distributions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 691. Introduced by Withem, 14.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2233, Revised Statutes Supplement, 1994; to provide for service of process on Indian tribe lands; and to repeal the original section.

LEGISLATIVE BILL 692. Introduced by Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Supplement, 1994; to change provisions relating to valuation of land zoned for agricultural or horticultural use; and to repeal the original section.

LEGISLATIVE BILL 693. Introduced by Warner, 25.

A BILL FOR AN ACT relating to hospital authorities; to amend section 23-3594.08, Revised Statutes Supplement, 1994; to change a date for an intergovernmental transfer; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 694. Introduced by Warner, 25; Bromm, 23; Schimek, 27; Matzke, 47; Beutler, 28.

A BILL FOR AN ACT relating to design professionals; to amend sections 2-3256, 21-2205, 46-701, 81-841 to 81-845, 81-846.01, 81-8,126, 81-1108.43, and 81-1609, Reissue Revised Statutes of Nebraska, and sections 23-1901 and 72-1237.01, Revised Statutes Supplement, 1994; to adopt the Design Professions Regulation Act; to eliminate and change provisions relating to engineers and architects; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 81-839, 81-840, 81-846, 81-847 to 81-856, 81-8,184 to 81-8,206, and 81-8,208, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 698. Introduced by Brown, 6.

A BILL FOR AN ACT relating to human genetic technologies; to establish a commission; to provide duties for the commission; and to provide for cessation of the commission.

LEGISLATIVE BILL 700. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1501, 79-1501.01, 79-1551, and 81-2014, Reissue Revised Statutes of Nebraska, and section 24-701, Revised Statutes Supplement, 1994; to define terms; to maintain the purchasing power of retirement benefits as prescribed; to create funds and provide for their uses; to require the transfer of funds; to provide duties for the Public Employees Retirement Board; to eliminate provisions relating to the Help Education Lead to Prosperity Act; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-3501 to 79-3510, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 700A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to amend section 30, Legislative Bill 392, Ninety-fourth Legislature, First Session, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, First Session, 1995; and to repeal the original section.

LEGISLATIVE BILL 701. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend section 81-2017, Reissue Revised Statutes of Nebraska; to increase the retirement system contribution rate; and to repeal the original section.

LEGISLATIVE BILL 701A. 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 701, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 702. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to judges; to amend sections 24-701, 24-703, and 24-710, Revised Statutes Supplement, 1994; to change provisions relating to contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 703. Introduced by Wesely, 26, at the request of the Governor.

A BILL FOR AN ACT relating to the Department on Aging; to amend sections 81-2266 and 81-2269, Reissue Revised Statutes of Nebraska; to change provisions relating to preadmission screenings; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 705. Introduced by Hartnett, 45; Crosby, 29.

A BILL FOR AN ACT relating to drugs; to prohibit pricing discrimination; and to provide for an action for damages.

LEGISLATIVE BILL 708. Introduced by Hartnett, 45; Bromm, 23.

A BILL FOR AN ACT relating to the enrollment option programs; to amend sections 79-3403 and 79-3407, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the program; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2.

A BILL FOR AN ACT relating to deferred compensation; to amend sections 84-1504, 84-1505, and 84-1506, Reissue Revised Statutes of Nebraska; to change provisions relating to investments, payments, and distributions; to provide powers and duties for the Public Employees Retirement Board and the state investment officer; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 711. Introduced by Will, 8; Crosby, 29.

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

LEGISLATIVE BILL 713. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-479 and 81-1021, Reissue Revised Statutes of Nebraska, and sections 60-311, 60-335, and 60-462, Revised Statutes Supplement, 1994; to provide for undercover license plates and undercover driver's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320, Revised Statutes Supplement, 1994; to change provisions relating to dealer number plates; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Jones, 43; Avery, 3; Matzke, 47; Coordsen, 32; Day, 19; Pedersen, 39; Pirsch, 10.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-4,110, 60-6,196, 60-6,197, and 60-6,206, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 1994; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment, and motor vehicle impoundment; to provide for a hearing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 716. Introduced by Wickersham, 49; Beutler, 28; Bromm, 23; Matzke, 47.

A BILL FOR AN ACT relating to educational lands and funds; to amend sections 72-201, 72-204, 72-232.01, 72-232.02, 72-234, 72-235, 72-240.26, 72-241, 72-245, 72-257, 72-257.01, 72-258.01, 72-259, 79-1303, 85-123, and 85-317, Reissue Revised Statutes of Nebraska, and sections 72-232, 72-233, and 72-1237.01, Revised Statutes Supplement, 1994; to change provisions relating to educational lands; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-202, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 717. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to ethics; to amend section 13-2203, Revised Statutes Supplement, 1994; to adopt the Municipal Purpose Act; to change provisions relating to local government expenditures; and to repeal the original section.

LEGISLATIVE BILL 719. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-164 and 22-174, Reissue Revised Statutes of Nebraska, 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.

LEGISLATIVE BILL 720. Introduced by Wehrbein, 2.

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 721. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend section 24-201.01, Revised Statutes Supplement, 1994; to change provisions related to judges' salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 722. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Reissue Revised Statutes of Nebraska; to delete obsolete provisions; and to repeal the original section.

LEGISLATIVE BILL 723. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to school employees retirement; to amend section 79-1531, Reissue Revised Statutes of Nebraska; to change the method for the determination of required contributions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 725. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to public funds; to amend section 77-2306, Reissue Revised Statutes of Nebraska; to change provisions relating to the deposit of state funds; and to repeal the original section.

LEGISLATIVE BILL 727. Introduced by Witek, 31.

A BILL FOR AN ACT relating to murder; to amend section 28-304, Reissue Revised Statutes of Nebraska; to change the definition of murder in the second degree; and to repeal the original section.

LEGISLATIVE BILL 731. Introduced by Kristensen, 37; Bromm, 23; Maurstad, 30.

A BILL FOR AN ACT relating to environmental laws; to provide for voluntary self-evaluation and environmental audit reports; to provide for confidentiality; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 733. Introduced by Hartnett, 45; Avery, 3; Kristensen, 37; McKenzie, 34; Robinson, 16.

A BILL FOR AN ACT relating to educational service units; to amend section 79-2202.02, Reissue Revised Statutes of Nebraska; to eliminate a deadline for opting out of an educational service unit; and to repeal the original section.

LEGISLATIVE BILL 734. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to fiduciaries; to amend section 30-3205, Revised Statutes Supplement, 1994; to change provisions relating to investments as authorized; and to repeal the original section.

LEGISLATIVE BILL 736. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to school retirement; to amend section 79-1540, Reissue Revised Statutes of Nebraska; to increase the state deposit to a fund; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 740. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to teachers; to amend sections 79-1247.05 and 79-1247.16, Reissue Revised Statutes of Nebraska; to change provisions

relating to certification requirements; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 741. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-3801 and 79-3806, Reissue Revised Statutes of Nebraska; to change provisions relating to equalization aid for option students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 744. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, and 77-2703, Revised Statutes Supplement, 1994; 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 745. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2704.24, and 77-2715.07, Revised Statutes Supplement, 1994; to provide for a sales tax on food; to establish procedures for a sales tax credit; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Robak, 22.

A BILL FOR AN ACT relating to health and mental health care; to provide rights for patients; to state intent; to define terms; and to provide a penalty.

LEGISLATIVE BILL 748. Introduced by Landis, 46.

A BILL FOR AN ACT relating to custodial trusts; to adopt the Uniform Custodial Trust Act; to provide severability; and to provide an operative date.

LEGISLATIVE BILL 749. Introduced by Landis, 46.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-630, Reissue Revised Statutes of Nebraska; to provide for the issuance of new birth certificates in certain cases; and to repeal the original section.

LEGISLATIVE BILL 750. Introduced by Landis, 46; Schimek, 27; Vrtiska, 1; Preister, 5.

A BILL FOR AN ACT relating to radioactive waste; to adopt the High-Level Nuclear Waste Liability Act.

LEGISLATIVE BILL 754. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to criminal history record information; to amend section 79-1247.06, Reissue Revised Statutes of Nebraska; to authorize the Commissioner of Education to require criminal history record information for certain certificate applicants; to provide duties for the Nebraska State Patrol and the State Board of Education; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Anatomical Gift Act; to amend section 60-495, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1994; to adopt the Uniform Anatomical Gift Act; to repeal the Uniform Anatomical Gift Act and provisions relating to anatomical gifts; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 71-4803, 71-4805, 71-4806, 71-4809, and 71-4811 to 71-4818, Reissue Revised Statutes of Nebraska, and sections 71-4801, 71-4802, 71-4804, 71-4807, and 71-4810, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 764. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental education; to adopt the Environmental Education Act; and to provide for environmental education license plates.

LEGISLATIVE BILL 765. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hall, 7; Hartnett, 45; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-1,103, 9-512, 9-602, 9-603, 9-604, 9-605, 9-606, 9-613, 9-615, 9-619, 9-624, 9-625, 9-626, 9-627, 9-628, 9-629.01, 9-634, 9-635, 9-640, 9-641, 9-645, 9-649, and 84-712.05, Reissue Revised Statutes of Nebraska, and sections 2-219, 9-1,101, 9-1,104, 9-204, 9-226, 9-255.06, 9-312, 9-315, 9-322, 9-402, 9-411, 9-415, 9-418, 9-422, 9-502, 9-507, 9-509, 9-601, 9-606.01, 9-607, 9-614, 9-620, 9-629, 9-629.02, 9-630, 9-631, 9-631.01, 9-636, 9-639, 9-642, 9-642.01, 9-643, 9-646, 9-646.01, 9-648, 9-650, 9-652, 9-653, 9-701, 9-826, 13-503, 28-1101, 28-1105, 28-1113, and 68-1735, Revised Statutes Supplement, 1994; to rename the act; to change provisions relating to lotteries; to provide for electronic lotteries under the act; to provide for operation of lotteries by licensed racetrack organizations; to provide penalties; to provide for confidentiality of information; to eliminate a limitation on ticket prices; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 9-637, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 766. Introduced by Day, 19; Brown, 6; Jones, 43; Pedersen, 39; Pirsch, 10; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-6,211.01, 60-6,211.02, and 60-6,211.03, Reissue Revised Statutes of Nebraska; to change provisions relating to zero tolerance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 766A. 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 766, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 767. Introduced by Schellpeper, 18; Elmer, 44; Engel, 17; Fisher, 35.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1227 to 2-1229, Revised Statutes Supplement, 1994; to change provisions relating to simulcast licenses; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to child abuse and neglect investigations; to amend section 28-713, Revised Statutes Supplement, 1994; to change and provide duties for the Department of Social Services and law enforcement agencies; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Wesely, 26; Beutler, 28.

A BILL FOR AN ACT relating to handgun certificates; to amend sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994; to provide duties for the Department of Public Institutions, the Department of Social Services, mental health centers, and the Nebraska State Patrol; to provide a penalty; to provide for immunity; and to repeal the original sections.

LEGISLATIVE BILL 781. Introduced by Hall, 7; Hartnett, 45; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4618.02, Revised Statutes Supplement, 1994; to change subsidization filing requirements; to eliminate provisions relating to the filing information as a public record; to repeal the original section; and to outright repeal section 19-4618.03, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 784. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to adopt the Unjust Conviction and Imprisonment Act.

LEGISLATIVE BILL 785. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to teachers; to amend section 79-1233, Reissue Revised Statutes of Nebraska; to change provisions relating to substitute teachers; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by Landis, 46, Fisher, 35, at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Medical Savings Account Act; to amend sections 77-2716 and 77-2790, Revised Statutes Supplement, 1994; to create the Nebraska Medical Savings Account Act; to define terms; to provide penalties; to provide a deduction; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 789. Introduced by Bohlke, 33; McKenzie, 34; Robinson, 16.

A BILL FOR AN ACT relating to government; to amend sections 84-712.05 and 84-1410, Reissue Revised Statutes of Nebraska; to provide that certain records relating to job applicants and interviewing are not public matters; and to repeal the original sections.

LEGISLATIVE BILL 790. Introduced by Warner, 25.

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, and section 77-2701, Revised Statutes Supplement, 1994; to create the School Aid Fund and to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1994; to change a provision relating to property tax exemptions; to redefine charitable organization; and to repeal the original section.

LEGISLATIVE BILL 793. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to economic development; to adopt the Foreign and Domestic Trade Assistance Act.

LEGISLATIVE BILL 796. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to housing; to adopt the Affordable Housing Trust Fund Act; and to impose an instrument recording fee.

LEGISLATIVE BILL 799. Introduced by Cudaback, 36; Lynch, 13.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 86-808, Reissue Revised Statutes of Nebraska; to create the Nebraska Cable Television Act; to provide for the regulation of cable television companies; to provide duties; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 803. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the regulation of water; to amend section 46-235.04, Reissue Revised Statutes of Nebraska; to change provisions relating to induced ground water recharge appropriations; and to repeal the original section.

LEGISLATIVE BILL 804. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; and Withem, 14.

A BILL FOR AN ACT relating to city planning; to amend section 19-910, Reissue Revised Statutes of Nebraska; to change provisions relating to the powers of the board of adjustment; and to repeal the original section.

LEGISLATIVE BILL 806. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Hall, 7; Preister, 5; Robinson, 16; Schimek, 27; and Withem, 14.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-921, Revised Statutes Supplement, 1994; to redefine subdivision for purposes of city planning and zoning; and to repeal the original section.

LEGISLATIVE BILL 809. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit open containers of alcohol in motor vehicles as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Janssen, 15; Bohlke, 33.

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

LEGISLATIVE BILL 811. Introduced by Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Hudkins, 21; Jones, 43; Schellpeper, 18; Schrock, 38; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4401 to 2-4404, Reissue Revised Statutes of Nebraska; to provide for use of the act in court actions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 817. Introduced by Hall, 7; Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1204 and 23-390, Reissue Revised Statutes of Nebraska; to eliminate restrictions on types of corporations and associations which may be licensed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 818. Introduced by Hall, 7; Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to adopt the Charter Schools Act.

LEGISLATIVE BILL 820. Introduced by Hall, 7; Robinson, 16.

A BILL FOR AN ACT relating to oaths of office; to amend sections 11-101.02, 11-101.03, and 19-3015, Reissue Revised Statutes of Nebraska, and sections 32-213, 32-222, and 32-238, Revised Statutes Supplement, 1994; to eliminate an oath of office; to harmonize provisions; to repeal the original sections; and to outright repeal section 11-101.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 825. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to health care; to amend section 71-5866, Reissue Revised Statutes of Nebraska; to change provisions relating to appeals

for a certificate of need; to provide for applicability; and to repeal the original section.

LEGISLATIVE BILL 827. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to railroads; to amend sections 74-1305 and 76-703, Reissue Revised Statutes of Nebraska, and section 74-308, Revised Statutes Supplement, 1994; 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 836. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Revised Statutes Supplement, 1994; to adopt the ERISA Reform Act; to require coverage as prescribed; to provide requirements for health benefit plans; and to repeal the original section.

LEGISLATIVE BILL 838. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to insurance; to adopt the Health Care Purchasing Pool Act.

LEGISLATIVE BILL 839. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Department of Health; to amend sections 42-917, 43-522, 43-524, 43-526, 43-2508 to 43-2511, 43-2515, 44-773, 44-774, 44-4207, 44-4208, 68-104, 68-126, 68-214, 68-309, 68-313, 68-716, 68-717, 68-719, 68-1001.01, 68-1014, 68-1016, 68-1017, 68-1020, 68-1023, 68-1024 to 68-1026, 68-1033, 68-1034, 68-1035, 68-1036, 68-1039, 68-1043, 68-1402, 68-1403, 68-1405, 71-1401, 71-1403, 71-2617, 71-5002, 71-5004, 71-5015, 71-5021 to 71-5023, 71-5027, 71-5030, 71-5031, 71-5033, 71-5035, 71-5037 to 71-5040, 72-249, 81-604.03, 81-2229, 81-2231, 81-2265, 81-2268, 81-2269, 81-2271, 83-158.01, 83-159, 83-163 to 83-169, 83-1040, and 83-1214 to 83-1216, Reissue Revised Statutes of Nebraska, and sections 43-512, 43-3001, 68-1019 to 68-1019.05, 68-1019.07, 68-1021, 68-1030, 68-1031, 68-1035.01, 68-1036.02, 68-1036.03, 68-1038, 68-1047, 68-1050, 71-1,312, 71-604.05, 71-2017.07, 71-5001, 71-5003, 71-5003.01, 71-5008, 71-5009, 71-5014, 71-7518.03, 77-27,161, 77-27,163.01, and 77-27,208, Revised Statutes Supplement, 1994; to adopt the Nebraska Health Care Efficiency and Improvement Act; to transfer duties to the Department of Health from the Department of Insurance, the Department of Public Institutions, and the Department of Social Services relating to the Comprehensive Health Insurance Pool, community mental health, alcoholism, and drug abuse services, medicaid, medically handicapped children's services, and genetically handicapped person's services; to harmonize provisions; to eliminate definitions, a division, mental health regions, and certain benefit provisions; to repeal the original sections; and to outright repeal sections 68-721, 71-5005 to 71-5007, 71-5009.01, 71-5016 to 71-5020, 71-5024 to 71-5026, 71-5028, 71-5032, 81-1328.01 to 81-1328.03, 83-160, 83-161.02, and 84-1326.01, Reissue Revised Statutes of Nebraska, and sections 68-1036.01, 71-602.01, and 71-5034, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 842. Introduced by Jones, 43; Bernard-Stevens, 42; Bohlke, 33; Day, 19; Dierks, 40; Fisher, 35; Kristensen, 37; Maurstad, 30; McKenzie, 34; Pirsch, 10; Robinson, 16; Schmitt, 41; Wesely, 26.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

LEGISLATIVE BILL 843. Introduced by Dierks, 40; Crosby, 29; Lindsay, 9.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1724, Revised Statutes Supplement, 1994; to change provisions relating to payment standards for cash assistance; and to repeal the original section.

LEGISLATIVE BILL 844. Introduced by Hall, 7; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to create the Employees of Elected Constitutional Offices Supplemental Retirement Plan; to provide retirement benefits for employees of constitutional offices; and to provide a penalty.

LEGISLATIVE BILL 845. Introduced by Bohlke, 33; Cudaback, 36; Jones, 43; McKenzie, 34; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 79-4,141.01 and 84-304, Reissue Revised Statutes of Nebraska; to change provisions relating to audits; and to repeal the original sections.

LEGISLATIVE BILL 847. Introduced by Wickersham, 49, at the request of the Governor.

A BILL FOR AN ACT relating to state funds; to amend sections 72-1240 to 72-1242, 81-1108, 84-1501, and 84-1503, Reissue Revised Statutes of Nebraska, and sections 72-1237, 72-1239, and 72-1243, Revised Statutes Supplement, 1994; to create the investment and retirement divisions of the Department of Administrative Services; to require the state investment officer and the director of the Nebraska Public Employees Retirement Systems to be appointed by the Governor; to change provisions relating to membership of the Nebraska Investment Council and the Public Employees Retirement Board; to transfer and provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 849. Introduced by Bohlke, 33; Day, 19.

A BILL FOR AN ACT relating to public health and welfare; to create a program to reduce teen pregnancy; and to provide duties for the Department of Health and the State Department of Education.

LEGISLATIVE BILL 852. Introduced by Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-1,279, 71-203, 71-340 to 71-345, 71-347, 71-356, 71-358, 71-359, 71-361, 71-362, 71-364, 71-368, 71-369, 71-371, 71-372, 71-376, 71-377, 71-381, 71-385 to 71-387, 71-389, 71-390, 71-394 to 71-396, 71-3,100, 71-3,102 to 71-3,107, 71-3,109, 71-3,110, 71-3,117, 71-3,119 to 71-3,121,

71-3,124, 71-3,125, 71-3,136 to 71-3,143, 71-3,145 to 71-3,147, 71-3,149, 71-3,150, 71-3,159, 71-3,169, 71-3,174, and 71-3,177 to 71-3,179, Reissue Revised Statutes of Nebraska, and sections 71-382 and 71-397, Revised Statutes Supplement, 1994; to provide for regulation of nail technicians and nail technology instructors, schools, and salons; to change provisions relating to penalties; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 854. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to establish the position of State Recreational Trails Coordinator.

LEGISLATIVE BILL 855. Introduced by Elmer, 44; Wehrbein, 2.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend section 81-1532, Reissue Revised Statutes of Nebraska; to provide duties for state agencies and political subdivisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 858. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to hospitals; to require the filing of a community benefit report.

LEGISLATIVE BILL 859. Introduced by Bohlke, 33; Bromm, 23; Hall, 7; Hudkins, 21; Lindsay, 9; Robinson, 16; Day, 19.

A BILL FOR AN ACT relating to school districts; to change and eliminate a duty to provide certain information; and to outright repeal section 71-6909, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 859A. 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 859, Ninety-fourth Legislature, First Session, 1995.

LEGISLATIVE BILL 865. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend section 59-802, Reissue Revised Statutes of Nebraska; to prohibit the underselling of competitors as prescribed; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 866. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-250, 43-261, and 43-276, Reissue Revised Statutes of Nebraska; to provide funding for community-based delinquency programs; to change procedures in juvenile proceedings; and to repeal the original sections.

LEGISLATIVE BILL 867. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to judges; to amend section 43-2,125, Reissue Revised Statutes of Nebraska; to authorize the temporary reassignment of separate juvenile court judges; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-1802 and 43-1803, Reissue Revised Statutes of Nebraska; to change provisions relating to pleadings and proof; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by McKenzie, 34; Beutler, 28; Bohlke, 33; Bromm, 23; Coordsen, 32; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Hall, 7; Hartnett, 45; Hudkins, 21; Janssen, 15; Jones, 43; Robak, 22; Robinson, 16; Schrock, 38; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1345, Revised Statutes Supplement, 1994; to provide funding for tax credits; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 876. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to Game and Parks; to amend sections 37-1102 and 37-1112, Reissue Revised Statutes of Nebraska; to provide for the issuance of park entry permits to veterans as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 877. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend section 43-2,119, Reissue Revised Statutes of Nebraska, and section 24-503, Revised Statutes Supplement, 1994; to change the number of judges of the separate juvenile courts and county courts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 878. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-924 to 42-926, Reissue Revised Statutes of Nebraska; to change provisions relating to protection orders; and to repeal the original sections.

LEGISLATIVE BILL 879. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to abortion; to prohibit the use of public funds to pay for abortions; and to provide an exception.

LEGISLATIVE BILL 880. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to community corrections; to amend sections 83-1,147, 83-922, and 83-939, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 1994; to establish the Division of Community Corrections within the Department of Correctional Services; to create the Community Corrections Advisory Board; to define terms; to provide for local community corrections advisory committees; to eliminate the

Community Correctional Facilities and Programs Act and provisions relating to the Division of Community-Centered Services; to harmonize provisions; to repeal the original sections; and to outright repeal sections 47-601 to 47-618 and 83-931 to 83-933, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 881. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to probation administration; to amend sections 29-2246, 29-2251, 29-2253, 29-2257, 29-2258, 29-2261, and 83-1,102 to 83-1,104, Reissue Revised Statutes of Nebraska, and sections 29-2252, 29-2259, 29-2262.03, and 29-2269, Revised Statutes Supplement, 1994; 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 provide for substantially equal salaries for probation officers; to change powers of the probation administrator; to eliminate personnel provisions and powers of the Office of Probation Administration; to change duties of the Parole Administrator; to change provisions relating to parole; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-2249, 29-2249.04, and 29-2250, Reissue Revised Statutes of Nebraska, and section 29-2262.05, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 882. Introduced by Fisher, 35; Lindsay, 9.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-123, Reissue Revised Statutes of Nebraska; to change provisions relating to similar names; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 884. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to change duties of the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 885. Introduced by Day, 19, at the request of the Governor.

A BILL FOR AN ACT relating to labor; to amend sections 48-1601 to 48-1603, 48-1605 to 48-1615, 81-401, and 81-1201.10, Reissue Revised Statutes of Nebraska; to rename and change provisions relating to the Nebraska Job Training Act; to authorize the Governor to appoint a state agency to administer the act; to state findings; to add powers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 886. Introduced by Hall, 7, Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to the Department of Labor; to amend sections 13-1102, 20-113, 20-139 to 20-141, 20-143, 20-305, 20-336, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, 48-1122 to 48-1126, and 81-401, Reissue Revised Statutes of Nebraska; to provide duties and change provisions relating to the Equal Opportunity Commission; to create and provide duties for the Department of Labor; to change provisions relating to the Nebraska Fair Employment Practices Act, the Nebraska Fair

Housing Act, and sections relating to public accommodations discrimination; to eliminate the Act Prohibiting Unjust Discrimination in Employment Because of Age and provisions relating to discriminatory wage practices based on sex; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE RESOLUTION 6CA. Introduced by Dierks, 40; Jones, 43; Pirsch, 10; Schmitt, 41; Schrock, 38; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article III, sections 2 through 4, and to add new sections 1 through 7 to a new Article XVIII entitled "Initiatives and Referendums":

XVIII-1 "The first power reserved by the people is the initiative by which 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 is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in 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 has 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 are approved, the one receiving the highest number of affirmative votes shall 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. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-2 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act

is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-3 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum. Initiative and referendum measures 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, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

XVIII-4 "The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 1 through 3, of this Constitution. Article XVIII, sections 5 through 7, of this Constitution provide an alternative procedure for initiatives and referendums. If Article XVIII, sections 1 through 3, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 5 through 7, of this Constitution shall become effective and be given retroactive effect to the effective date of the 1996 constitutional amendment."

XVIII-5 "The first power reserved by the people is the initiative by which laws may be enacted and constitutional amendments adopted by the people

independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

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 are approved, the one receiving the highest number of affirmative votes shall 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."

XVIII-6 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

XVIII-7 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall not be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum. Initiative and referendum measures 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, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

"Article III, sections 2 through 4, of the Constitution of Nebraska are repealed.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures and to provide for an alternative number of signatures needed if the Nebraska Supreme Court or the United States Supreme Court holds that Article XVIII, sections 1 through 3, are unconstitutional.

For

Against".

LEGISLATIVE RESOLUTION 7. Introduced by Jones, 43; Avery, 3; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Day, 19; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Kristensen, 37; Lindsay, 9; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31; Stuhr, 24.

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people,"; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 1995, the states are demonstrably treated as agents of the federal government; and

WHEREAS, numerous resolutions have been forwarded to the federal government by the Nebraska Legislature without any response or result from Congress or the federal government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States.

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

1. That the State of Nebraska hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

2. That this serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of the constitutionally delegated powers.

3. That official copies of this resolution be prepared and forwarded to the President of the United States, the Speaker of the House of Representatives and President of the Senate of the Congress of the United States, and to all members of the Nebraska delegation to the Congress of the United States.

LEGISLATIVE RESOLUTION 10CA. Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 members 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. 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 add the requirement of legislative approval when the Governor appoints persons to fill vacated elected state offices.

For

Against".

LEGISLATIVE RESOLUTION 17CA. Introduced by Lindsay, 9; Schrock, 38; Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ~~ninety~~ sixty-five legislative days ~~in odd-numbered years~~ each year unless extended by a vote of four-fifths of all members elected to the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the length of the Legislative sessions to sixty-five days each year.

For

Against".

LEGISLATIVE RESOLUTION 25CA. Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 22:

III-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

If the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of

funds by the affected political subdivision, the Legislature shall appropriate the necessary funds for the benefit of the affected political subdivision each and every year during which the program or service is required to continue, except that if any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service.".

Sec. 2. 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 Legislature to appropriate funds for certain newly created, expanded, or changed programs or services mandated by the Legislature to political subdivisions.

For

Against".

LEGISLATIVE RESOLUTION 26. Introduced by Bernard-Stevens, 42

WHEREAS, the State of Nebraska has a balanced budget provision within the Constitution of Nebraska; and

WHEREAS, the Congress of the United States may propose an amendment to the Constitution of the United States for ratification by the states relating to a balanced budget amendment; and

WHEREAS, with ratification by three-fourths of the states, the amendment will be instituted within seven years after the date of its submission for ratification.

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

1. That the balanced budget amendment to the Constitution of the United States is hereby ratified.

2. That copies of this resolution duly certified by the Secretary of States with the Great Seal of Nebraska attached thereto shall be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

LEGISLATIVE RESOLUTION 27CA. Introduced by Chambers, 11.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 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. 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. 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 29CA. Introduced by Bohlke, 33, Withem, 14, at the request of the Governor.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 10, Article VII, section 15, Article XV, section 22, and Article XV, section 23:

VII-10 "The ~~general government of the~~ University of Nebraska shall~~, under the direction of the Legislature,~~ be ~~vested in~~ administered, as directed by the Legislature, by a board ~~of not less than six nor more than eight regents~~ to be designated the Board of Regents of the University of Nebraska.

Before 1998, the board shall consist of not less than six nor more than eight regents. The voting members of the Board of Regents ~~, 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, the student body president of the University of Nebraska at Kearney, 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~~ The duties and powers of the members shall be prescribed by law, ; and they shall receive no compensation; but may be reimbursed their actual expenses incurred in the discharge of their duties.

Beginning in 1998, the board shall consist of not less than six nor more than nine regents. The voting members of the Board of Regents shall no longer be elected and the Governor shall appoint the voting members to the board as the terms of elected members expire. Any member elected before 1998 shall be eligible for appointment to the board after his or her elective term expires. The Governor shall appoint a total of nine members to serve on the board. Eight of such appointed members shall be selected from the regent

districts as such districts exist at the time of their appointment, and one member shall be appointed at large. Appointments to the board shall be subject to approval by a majority of the members elected to the Legislature, and the terms of such appointments shall be for six years. except that the Governor may remove a member prior to the expiration of the member's term. The nonvoting student member positions shall be retained. The duties and powers of the members of the board shall be prescribed by law, and they shall receive no compensation but may be reimbursed their actual expenses incurred in the discharge of their duties.

The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which 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~~ when necessary specify the newly established district which they shall represent for the balance of their term."

VII-15 "Elected Officials; ineligibility. (1) The members of ~~the Board of Regents and~~ the State Board of Education shall be ineligible to file for re-election to their respective offices and shall be ineligible to serve in their respective offices for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election and as further provided in Article XV Section 22.

(2) The voters of the state may lengthen, shorten, or eliminate the limitation on terms of office for the State Board of Education or the governing board of a state institution of higher education imposed by this Section 15."

XV-22 "Appointments; effective date of term; ineligibility. 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; ~~elected members of the Board of Regents of the University of Nebraska:~~

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment 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."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3 and 20; Article VII Section 3; ~~and 10;~~ Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions.".

Sec. 2. 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 appointment of members of the Board of Regents of the University of Nebraska by the Governor.

For

Against".

LEGISLATIVE RESOLUTION 30CA. Introduced by Hartnett, 45; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation if such property is actually used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature and only to the extent to which the property is used for such purposes; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 2. 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 property of the state and its governmental subdivisions is exempt from taxation only if and to the extent such property is used for public purposes.

For

Against".

LEGISLATIVE RESOLUTION 33CA. Introduced by Robinson, 16; Brown, 6; Crosby, 29; Engel, 17; Fisher, 35; Lynch, 13; Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 3:

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. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. ~~The members~~ A member of the State Board of Education shall not be actively engaged in the educational profession or a member of a school board or board of education of a school district, and ~~they~~ members shall be elected on a nonpartisan ballot.".

Sec. 2. 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 a member of the State Board of Education cannot be a member of a school board or board of education of a school district.

For

Against".

LEGISLATIVE RESOLUTION 34CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 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.

(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, the ~~or~~ masters, or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications 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 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. 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 41CA. Introduced by Brown, 6.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 3, Article X, sections 1 and 3, Article XV, sections 22 and 23, and repeal Article IV, section 20:

IV-3 "The Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, and Attorney General ~~and members of the Public Service Commission~~ shall be ineligible to file for re-election 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 22."

X-1 "Every public utility corporation or common carrier organized or doing business in this state shall report, under oath, ~~to the Railway Commission,~~ when required by law, ~~or the order of said Commission.~~ The reports so made shall include such matter as may be required by law, ~~or the order of said Commission.~~".

X-3 "No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property ~~without permission of the Railway Commission; and in~~ unless it complies with the requirements the Legislature may by law require. In no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise."

XV-22 "Appointments; effective date of term; ineligibility. 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, elected members of the Board of Regents of the University of Nebraska:

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment 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."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3; ~~and 20;~~ Article VII Section 3 and 10; Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions."

"Article IV, section 20, of the Constitution of Nebraska is repealed.".

Sec. 2. 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 references to the Public Service Commission and the Railway Commission.

For

Against".

LEGISLATIVE RESOLUTION 42CA. Introduced by Bromm, 23.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 and all taxing subdivisions 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. 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 and all taxing subdivisions by cities, villages, and metropolitan utilities districts for real property acquired for water supply purposes.

For

Against".

LEGISLATIVE RESOLUTION 43CA. Introduced by Schellpeper, 18; Bernard-Stevens, 42; Hall, 7; Hartnett, 45; Pedersen, 39; Robak, 22.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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) The Legislature may authorize and regulate casino gaming activities which require the payment of money or other valuable consideration for a chance to win money or other valuable consideration, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, or for the promotion of agriculture and livestock breeding. Such games shall include, but not be limited to, player-activated electronic, video, or mechanical lottery devices, dice, card games of chance, and table games of chance.

(5) 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. 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 permit the Legislature to authorize and regulate player-activated electronic, video, or mechanical lottery devices and use of the proceeds for the charitable or community betterment purposes, civic benefit, tax relief, or the promotion of agriculture or animal husbandry.

For

Against".

LEGISLATIVE RESOLUTION 45CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) ~~Except as provided in this section, the~~ The Legislature may ~~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)~~ (2) 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)~~ (3) 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. 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 Legislature may authorize any game of chance, lottery, or gift enterprise and to eliminate provisions limiting the lawful purpose of a game of chance, lottery, or gift enterprise.

For

Against".

LEGISLATIVE RESOLUTION 46CA. Introduced by Hillman, 48; Crosby, 29; Engel, 17; Hall, 7; Maurstad, 30.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 "The Legislature shall provide by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~; PROVIDED, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a county administrator form of county government in which county officers may be appointed, but such form shall be optional with each county and shall occur in any county only upon adoption by a majority vote of the registered voters of the county.".

Sec. 2. 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 provide for a county to adopt by majority vote a county administrator form of government.

For

Against".

LEGISLATIVE RESOLUTION 47CA. Introduced by Hall, 7, Will, 8, at the request of the Governor.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, sections 2, 3, 4, and 15, Article XV, section 22, and Article XV, section 23:

VII-2 "The State Department of Education shall be comprised of a Commissioner of Education and a State Board of Education ~~and a Commissioner of Education~~ which shall be advisory to the commissioner. The State Department of Education shall have ~~general supervision and administration of the school system of the state and of such other activities~~ such duties as the Legislature may direct."

VII-3 "The State Board of Education shall be composed of eight members.

Before 1998, the members ~~, who~~ shall be elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their duties and powers shall be prescribed by the Legislature, and they shall receive no compensation, but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession, and they shall be elected on a nonpartisan ballot.

Beginning in 1998, the members of the board shall cease to be elected, and the Governor, with the approval of a majority of the members elected to the Legislature, shall appoint members to the board as the terms of office of the elected members expire. Appointed members shall be appointed from the State

Board of Education districts as the districts exist at the time of appointment. Any member shall be eligible for appointment to the board after his or her elective term expires. The term of office of each appointed member shall be four years. The powers and duties of the board shall be prescribed by the Legislature, and members shall receive no compensation but shall be reimbursed their actual and necessary expenses incurred in the performance of their duties. Members of the board shall not be actively engaged in the educational profession."

VII-4 "The ~~State Board of Education~~ Governor shall appoint, subject to approval by a majority of the members elected to the Legislature, and fix the compensation of the Commissioner of Education. The commissioner ; ~~who~~ shall be the executive officer of the State Board of Education and the administrative head of the State Department of Education; and ~~who~~ shall have such powers and duties as the Legislature may direct. ~~The board shall appoint all employees of the State Department of Education on the recommendation of the Commissioner of Education.~~"

VII-15 "Elected Officials; ineligibility. (1) The members of the Board of Regents ~~and the State Board of Education~~ shall be ineligible to file for re-election to their respective offices and shall be ineligible to serve in their respective offices for a number of years equal to the term for which they were last elected next after the expiration of the second of two consecutive terms for which they were previously elected after the general election and as further provided in Article XV Section 22.

(2) The voters of the state may lengthen, shorten, or eliminate the limitation on terms of office for the State Board of Education or the governing board of a state institution of higher education imposed by this Section 15."

XV-22 "Appointments; effective date of term; ineligibility. 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;~~ elected members of the Board of Regents of the University of Nebraska:

(a) No person shall be appointed to serve in an office previously held by election. (b) A portion of a term held and being served by appointment shall not come under the restrictive covenants set forth herein. (c) The term held and being served as the result of an election prior to the effective date of this amendment 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."

XV-23 "Election officers and officials; penalties. The Secretary of State and all other election officers of the state and counties of Nebraska, are prohibited from placing or permitting to be placed any name on any official ballot in violation of the provisions of Article III Section 8; Article IV Section 3 and 20; Article VII Section 3 and 10 before 1998 and beginning in 1998, Article VII, section 10; Article XV, Section 20, 21, and 22; and violation thereof of any of these provisions shall be grounds for removal from office, and disqualifications in holding any other public office in Nebraska or any county or political subdivision thereof and shall be subject to such other punishments as the Legislature may from time to time prescribe. Any registered voter of the state may seek enforcement of these provisions.".

Sec. 2. 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 appointment of the members of the State Board of Education and appointment of the Commissioner of

Education by the Governor, to make the board advisory to the commissioner, and to change the powers and duties of the board and the commissioner.

For

Against".

LEGISLATIVE RESOLUTION 52. Introduced by Crosby, 29; Wesely, 26; Warner, 25; Beutler, 28; Hudkins, 21; Maurstad, 30.

WHEREAS, a mailing address in the State of Nebraska has been utilized by certain Nebraska residents and other persons to conduct an activity involving the production and dissemination in the United States and abroad of Nazi and neo-Nazi propaganda and paraphernalia; and

WHEREAS, this activity has gained international attention and has caused people in this country and countries abroad to associate the State of Nebraska with these kinds of discredited, discriminatory, and undemocratic ideas and doctrines; and

WHEREAS, because the Nebraska Legislature is convinced that citizens of this state oppose the hateful ideas and doctrines of National Socialism (for the overthrow of which two hundred thousand Americans gave their lives), the Nebraska Legislature wishes to go on record as completely disassociating the State of Nebraska from the activity of such individual or individuals.

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

1. That, although the Nebraska Legislature recognizes the rights of individuals in this country to freely speak their minds and to disseminate their ideas under the First Amendment of the United States Constitution, the Nebraska Legislature hereby expresses its firm and unwaivering disagreement with the concepts of Nazism and neo-Nazism and its embarrassment over the good name of the State of Nebraska being in any way associated with the production and dissemination of material favoring such ideas and doctrines.

2. That the Nebraska Legislature hereby officially disassociates the State of Nebraska from the activities of all individuals engaged in the publication or dissemination of Nazi or neo-Nazi propaganda or paraphernalia from or within its state boundaries and expresses its opposition to such activities.

3. The Clerk of the Legislature shall send a copy of this resolution to the Embassy of the Federal Republic of Germany in Washington, D.C., and to Nebraska's United States Congressional Delegation.

LEGISLATIVE RESOLUTION 90. Introduced by Bernard-Stevens, 42

WHEREAS, a trend has started in which states are competing with each other by offering economic incentives to lure companies to their region; and

WHEREAS, businesses are creating adversarial roles between states in an effort to retrieve the most beneficial economic incentive package; and

WHEREAS, the economic incentives offered by states are creating a corporate aid system and undermining tax bases; and

WHEREAS, each state has unique characteristics, such as location, infrastructure, educational institutions, work ethic, and natural resources, and should not be compelled to offer economic incentives to compete for business recruitment or expansion.

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

1. That the Legislature recognizes the problems created in the competition between states in offering economic incentives and asks other states to recognize this negative adversarial role.

2. That the State of Nebraska encourages all states, the National Conference of State Legislatures, the Council of State Governments, and the National Governor's Association to call for a moratorium of such economic competition.

3. That a copy of this resolution shall be sent to the United States Secretary of Labor, the Governor of each state, and the president of each above-named organization.

LEGISLATIVE RESOLUTION 93CA. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 5:

VIII-5 "(1) Beginning January 1, 2000:

(a) Ad valorem property taxes for the operation of primary and secondary educational systems shall not exceed one dollar per one hundred dollars of the actual market value of the taxable property subject to the levies;

(b) Ad valorem property taxes for the operation of counties shall not exceed thirty cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(c) Ad valorem property taxes for the operation of community colleges shall not exceed seven cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(d) Ad valorem property taxes for operation of natural resources districts shall not exceed three cents per one hundred dollars of the actual market value of the taxable property subject to the levy;

(e) Ad valorem property taxes for the operation of incorporated cities or villages shall not exceed fifty cents per one hundred dollars of the actual market value of the taxable property subject to the levy except that a city or village which is not part of a rural or suburban fire protection district or other entity created under the law of the state for purposes of fire protection may levy up to an additional ten cents per one hundred dollars of the actual market value of the property subject to the additional levy for fire services;

(f) Ad valorem property taxes for the operation of rural or suburban fire protection districts or other entities created under the law of the state for purposes of fire protection shall not exceed ten cents per one hundred dollars of the actual market value of the property subject to a levy;

(g) Ad valorem property taxes shall not be levied for purposes other than the purposes specified in this section; and

(h) Ad valorem property taxes for the operation of sanitary improvement districts organized under the laws of this state shall not exceed fifty cents per one hundred dollars of the actual market value of the property subject to the levy.

(2) Notwithstanding the provisions of subsection (1) of this section, bonded indebtedness secured by any levy against taxable property validly assessed prior to January 1, 2000, shall continue to be assessed on property according to the terms of the bonds. Bonded indebtedness approved by a vote of the people

and secured by a levy on property shall not be included within the limitations in subdivisions (1)(a) through (g) of this section. Bonded indebtedness approved according to law and secured by a levy on property shall not be included within the limitations in subdivision (1)(h) of this section. ~~County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.~~".

Sec. 2. 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 ad valorem property tax limitations for political subdivisions of the state to replace a limitation on tax assessments by counties.

For

Against".

LEGISLATIVE RESOLUTION 97. Introduced by Hall, 7

WHEREAS, since the initiation of the Irish Peace Process in September 1993 by Gerry Adams and John Hume, representing the leadership of the two political parties which represent the Nationalist Community in the North of Ireland, the issue of a just and lasting peace has been an important matter of public focus in Ireland, Great Britain, and the United States; and

WHEREAS, significant developments have taken place since the initiation of the Irish Peace Process, including, and end to censorship under Section 31 of the Broadcasting Act in Ireland, the Downing Street Declaration by the Prime Ministers of both Ireland and Great Britain, a more flexible policy on visa applications for Irish Republicans by the United States Government, and a complete and total ceasefire by the Irish Republican Army; and

WHEREAS, the right of all nations to national self-determination is a well-established democratic principle under international law; and

WHEREAS, Ireland, one of the oldest civilizations in the world, has historically been prevented from the free exercise of the right to national self-determination; and

WHEREAS, Irish immigrants and Irish Americans have made important and continuing contributions in the fields of law, politics, government, education, labor, medicine, business, and industry to the benefit of American society; and

WHEREAS, the Members of the Legislature of the State of Nebraska, through this body, express their commitment to the principles of equality, justice, peace, and freedom.

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

1. That the Legislature recognizes the need to demilitarize the conflict in the North of Ireland in order to encourage further progress in the Irish Peace Process based upon democratic principles.

2. That the Legislature calls upon the governments of Ireland and Great Britain to take all steps necessary to begin negotiations along democratic lines with all parties to the conflict without preconditions, in order to provide a framework for the realization of national self-determination for the people of Ireland as a whole.

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FIRST DAY - JANUARY 3, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 3, 1996

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Fourth 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 3, 1996, and was called to order by Speaker Withem.

PRAYER

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

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris	Engel, Leo Patrick	Pedersen, Dwite A.
Avery, Michael T.	Fisher, Dan	Pirsch, Carol McBride
Bernard-Stevens, David F.	Hartnett, D. Paul	Preister, Donald G.
Beutler, Chris	Hilgert, John A.	Robak, Jennie
Bohlke, Ardyce L.	Hudkins, Carol L.	Schellpeper, Stan
Brashear, Kermit	Janssen, Ramon E.	Schimek, DiAnna R.
Bromm, Curt	Jensen, Jim	Schmitt, Jerry
Brown, Pam	Jones, James E.	Schrock, Ed
Chambers, Ernie	Klein, Leland C.	Stuhr, Elaine
Coordsen, George	Kristensen, Doug	Vrtiska, Floyd P.
Crosby, LaVon	Landis, David M.	Warner, Jerome
Cudaback, Jim D.	Matzke, Gerald E.	Wehrbein, Roger R.
Dierks, Merton L.	Maurstad, David I.	Wesely, Don
Elmer, W. Owen	McKenzie, Janis	Wickersham, Bob

Will, Eric J.
Witek, Kate
Withem, Ronald E.

Mrs. Joyce Hillman, Messrs. John C. Lindsay, Daniel C. Lynch, and C. N. Bud Robinson were excused.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 3, 1996.

The motion prevailed.

CERTIFICATE

State of Nebraska

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

I, Scott Moore, 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-Fourth Legislature, Second Session, 1996.

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-Fourth Legislature, Second Session, 1996.

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 Third day of January in the year of our Lord, one thousand nine hundred and ninety-six.

(SEAL) Scott Moore, Secretary of State

DISTRICT	NAME	ELECTED
1	Floyd P. Vrtiska	November 3, 1992
2	Roger R. Wehrbein	November 8, 1994

3	Michael T. Avery	November 3, 1992
4	Kermit Brashear	November 8, 1994
5	Donald G. Preister	November 3, 1992
6	Pam Brown	November 8, 1994
7	John A. Hilgert	Appointed August 30, 1995*
8	Eric J. Will	November 8, 1994
9	John C. Lindsay	November 3, 1992
10	Carol McBride Pirsch	November 8, 1994
11	Ernie Chambers	November 3, 1992
12	Chris Abboud	November 8, 1994
13	Daniel C. Lynch	November 3, 1992
14	Ronald E. Withem	November 8, 1994
15	Ramon E. Janssen	November 3, 1992
16	C. N. Bud Robinson	November 8, 1994
17	Leo Patrick Engel	November 8, 1994
18	Stan Schellpeper	November 8, 1994
19	Leland C. Klein	Appointed December 20, 1995**
20	Jim Jensen	November 8, 1994
21	Carol L. Hudkins	November 3, 1992
22	Jennie Robak	November 8, 1994
23	Curt Bromm	November 3, 1992
24	Elaine Stuhr	November 8, 1994
25	Jerome Warner	November 3, 1992
26	Don Wesely	November 8, 1994
27	DiAnna R. Schimek	November 3, 1992
28	Chris Beutler	November 8, 1994
29	LaVon Crosby	November 3, 1992
30	David I. Maurstad	November 8, 1994
31	Kate Witek	November 3, 1992
32	George Coordsen	November 8, 1994
33	Ardyce L. Bohlke	November 3, 1992
34	Janis McKenzie	November 8, 1994
35	Dan Fisher	November 3, 1992
36	Jim D. Cudaback	November 8, 1994
37	Doug Kristensen	November 3, 1992
38	Ed Schrock	November 8, 1994
39	Dwite A. Pedersen	November 3, 1992
40	Merton L. Dierks	November 8, 1994
41	Jerry Schmitt	November 3, 1992
42	David F. Bernard-Stevens	November 8, 1994
43	James E. Jones	November 3, 1992
44	W. Owen Elmer	November 8, 1994
45	D. Paul Hartnett	November 3, 1992
46	David M. Landis	November 8, 1994
47	Gerald E. Matzke	November 8, 1994
48	Joyce Hillman	November 8, 1994
49	William R. Wickersham	November 3, 1992

*Appointed 08-30-95 to replace Tim Hall

**Appointed 12-20-95 to replace Connie Day

RESIGNATION

August 8, 1995

Honorable E. Benjamin Nelson
Governor, State of Nebraska
2nd Floor N.E.
State Capitol Bldg.
Lincoln, NE 68509

Dear Governor Nelson:

I am resigning my seat in the Nebraska Unicameral Legislature representing District #7 effective Sunday, August 13, 1995.

It has been a pleasure to work with you and your administration over the past five years.

A copy of this letter has been forwarded to Speaker Withem and the Clerk of the Legislature, Mr. O'Donnell.

Sincerely,
Tim Hall
State Senator - 7th District

MESSAGE FROM THE SECRETARY OF STATE

August 30, 1995

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 John A. Hilgert, as a Member of the Legislature from the Seventh Legislative District for the unexpired term of Timothy J. Hall, resigned.

Sincerely,
(Signed) Scott Moore
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

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

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that John A. Hilgert, has been appointed as a Member of the Nebraska Unicameral Legislature from the Seventh Legislative District for the unexpired term of Timothy J. Hall, resigned. The term beginning August 30, 1995, shall continue until January 9, 1997, 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 32-566 of the Revised Statutes of Nebraska.

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

Done at Lincoln this Thirtieth day of August in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, John A. Hilgert, 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 7 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) John A. Hilgert

Subscribed in my presence and sworn to before me this 30th day of August, 1995.

(Signed) Neal Erickson
Notary Public

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

GUBERNATORIAL APPOINTMENT

Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint JOHN A. HILGERT as a member of the Nebraska Unicameral Legislature, District 7.

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 August 30, 1995, and continue until January 8, 1997, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

RESIGNATION

December 20, 1995

Honorable Ben Nelson
State Capitol
Lincoln, NE 68509

Dear Governor Nelson:

I would like to inform you that I am resigning my term of office as a State Senator for Legislative District 19, effective December 20, 1995.

It has been an honor and a privilege to represent my district and I will truly miss it. However, I feel to be fair to my constituents and to my family, I must give up my seat.

A copy of this letter has been sent to the Legislature's Executive Board and to Senator Ron Withem, Speaker of the Legislature.

Sincerely,
Connie J. Day
State Senator
District 19

MESSAGE FROM THE SECRETARY OF STATE

December 20, 1995

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 Leland C. Klein, as a Member of the Legislature from the Nineteenth Legislative District for the unexpired term of Connie Day, resigned.

Sincerely,
(Signed) Scott Moore
Secretary of State

Enclosures

CERTIFICATE

STATE OF NEBRASKA

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

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Leland C. Klein, has been appointed as a Member of the Nebraska Unicameral Legislature from the Nineteenth Legislative District for the unexpired term of Connie Day, resigned. The term beginning December 20, 1995, shall continue until January 9, 1997, 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 32-566 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 Twentieth day of December in the year of our Lord, one thousand nine hundred and ninety-five.

(SEAL) Scott Moore, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I, Leland C. Klein, 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 Legislature, District 19 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) Leland C. Klein

Subscribed in my presence and sworn to before me this 20th day of December, 1995.

(Signed) Scott Moore
Notary Public

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

GUBERNATORIAL APPOINTMENT

Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint LELAND C. KLEIN as a member of the Nebraska Unicameral Legislature, District 19.

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 20, 1995, and continue until January 8, 1997, provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

MESSAGES FROM THE GOVERNOR

July 17, 1995

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 Child Abuse Prevention Fund Board.

APPOINTEES:
Patricia Q. Lanphier, 925 Peidmont, Lincoln, NE 68510
Elaine L. D'Amato, 12811 Ogden Street, Omaha, NE 68164

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 17, 1995

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 reappointed to the Nebraska Railway Council.

APPOINTEE: Larry Sitzman, Director, Department of Agriculture, P.O. Box 95044, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 21, 1995

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 Board of Educational Lands and Funds.

APPOINTEE: John D. Feller, 212 Main Street, Beemer, NE 68716

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 6, 1995

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 Ethanol Board.

APPOINTEES:
Dan J. Hughes, HCR 80, Box 31A, Venango, NE 69168
Debra J. Hansen, Rt. 2, Box 171, Superior, NE 68978

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 6, 1995

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 reappointed to the Foster Care Review Board.

APPOINTEES:
Bob Ide, 1001 Tibblas, Holdrege, NE 68949
Christena Buttress, 2510 Jameson, Lincoln, NE 68512

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 21, 1995

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 reappointed to the Nebraska State Personnel Board.

APPOINTEE: Thomas L. Sams, 3606 13th Avenue, Kearney, NE 68847

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 21, 1995

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 reappointed to the Oil and Gas Conservation Commission.

APPOINTEE: Ervain J. Friehe, #1 Spyglass Drive, McCook, NE 69001

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 21, 1995

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 Special Education Commission.

APPOINTEES:
Richard Schoonover, 709 Vannornam Drive, Bellevue, NE 68005
Daniel G. Weidner, 14816 Seward Plaza, Omaha, NE 68154
Robert G. Waite, 2705 Dover Drive, Norfolk, NE 68701
Douglas Ackles, 1305 Howard Avenue, St. Paul, NE 68873

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 23, 1995

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 reappointed to the Nebraska Investment Council.

APPOINTEE: DiAnn Petersen, 1821 West 15th Street, North Platte, NE 69101

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 31, 1995

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 Board of Parole.

APPOINTEE: Esther L. Casmer, 2207 Old Glory Road, Lincoln, NE 68521

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 10, 1995

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 reappointed to the State Electrical Board.

APPOINTEES:
Ted Stutheit, 10840 Cromwell Dr., Lincoln, NE 68516
Sam Johnson, 1809 6th Street, Columbus, NE 68601

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 19, 1995

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 State Highway Commission.

APPOINTEES:
George A. Miles, 410 Tipperary, O'Neill, NE 68763
Ronald W. Books, P.O. Box 1125, North Platte, NE 69103
Judith A. Schweikart, 1650 Farnam Street, Omaha, NE 68102-2186

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 19, 1995

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 State Board of Health.

APPOINTEE: Gary Bieganski, 1301 East H Street, McCook, NE 69001

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 24, 1995

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 Foster Care Review Board.

APPOINTEE: Steven M. Renteria, 524 South 118th Street, Omaha, NE 69154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 26, 1995

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 Arts Council.

APPOINTEES:
Michael Harsh, 5645 Emile, Omaha, NE 68106
Janet Korell, 602 Norris, McCook, NE 69001
Sheila Hawes, 619 North 157th Circle, Omaha, NE 68118
Anne B. Rismiller, 1223 South 113 Court, Omaha, NE 68144

Thoms C. Wood, III, 128 North 13, Apt. 1007, Lincoln, NE 68508

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 26, 1995

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 Board of Public Roads Classifications and Standards.

APPOINTEES:
Eldon Orth, 4011 Linden, Lincoln, NE 68516
Larry Herrmann, 10325 P Street, Omaha, NE 68126
David Coolidge, HC 30 Lot 63 Lazy L, McCook, NE 69001
Henry Thieman, P.O. Box 84, Petersburg, NE 68652
Sharon Jackson, 700 Skyline Drive, Elkhorn, NE 68022
James Anderson, 1721 4th Avenue, Kearney, NE 68847

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 27, 1995

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 State Board of Health.

APPOINTEES:
Patricia Kuehl, Lincoln, NE
Karen Knortz, Lincoln, NE
Charles Ihle, Kearney, NE
Steven Wooden, Broken Bow, NE
Allen Dvorak, Omaha, NE

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 27, 1995

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 Board of Public Roads Classifications and Standards.

APPOINTEE: James Bauer, 309 Morton Drive, Beatrice, NE 68310

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

November 3, 1995

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 reappointed to the Board of Educational Lands and Funds.

APPOINTEE: Wilbur "Doc" Kloepping, 1705 Avenue H, Cozad, NE 69130

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

November 3, 1995

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 Oil and Gas Conservation Commission.

APPOINTEE: Marquis Reed Gilmore, 6 Crestwood Drive, Sidney, NE 69145

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 4, 1995

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 Advisory Commission on Compulsive Gambling.

APPOINTEES:
Vernon L. Scott, 2265 8th Ave #10, Columbus, NE 68601
Mathew E. Pelzer, 701 West 24th Ave, Bellevue, NE 68005
William M. Williams, Jr., 11010 Laurel Plaza, Omaha, NE 68164

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 4, 1995

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 reappointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEE: Rodney D. Rhoden, 9918 Devonshire, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

MESSAGE FROM THE SECRETARY OF STATE

August 23, 1995

Madam President, Mr. Speaker and
Members of the Legislature
State Capitol
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 requiring legislative confirmation:

J. L. Spray, Lincoln, Nebraska 68502, to the Nebraska Accountability and Disclosure Commission to complete an unexpired six year term ending June 30, 2001.

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) Scott Moore
Secretary of State

CC: Dannie Trautwein
Andy Abboud

ATTORNEY GENERAL'S OPINIONS

Opinion No. 95051

DATE: June 20, 1995

REQUESTED BY: Senator George Coordsen

WRITTEN BY: Don Stenberg, Attorney General
Paul N. Potadle, Assistant Attorney General

SUBJECT: The policy of the Department of Motor Vehicles regarding the issuance of single license plates to owners of self-propelled mobile homes.

QUESTION:

(1) Do self-propelled mobile homes fall within statutory exceptions to the two-plate requirement in Neb. Rev. Stat. § 60-311(1) (1993)?

ANSWER:

No. The statutes clearly distinguish between self-propelled mobile homes and towed trailers.

Self-propelled mobile homes do not fall within the statutory exception to Neb. Rev. Stat. § 60-311(1) (1993). Under this statute, "The Department of Motor Vehicles shall furnish to every person whose motor vehicle is registered two fully reflectorized number plates, except that only one plate shall be issued to dealers or for motorcycles, truck-tractors, semitrailers, and buses. . . . " Self-propelled mobile homes are not included in the list of vehicles excepted from receiving

two license plates. Further, the relevant definitional statutes clearly distinguish between self-propelled mobile homes and towed semitrailers: "(20) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters . . . (21) Semitrailer shall mean any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle." Neb. Rev. Stat. § 60-301 (1993).

Based on this statutory distinction, we conclude that self-propelled mobile homes are not included in the list of exceptions to Neb. Rev. Stat. 60-311(1) (1993).

QUESTION:

(2) Does the Department of Motor Vehicles have the authority to treat, through department rule, regulation, or policy, self-propelled mobile homes in a manner similar to towed trailers and thus avoid the requirements of Neb. Rev. Stat. § 60-311(1)?

ANSWER:

No. The Department of Motor Vehicles has no authority outside of that conferred by statute or by a construction necessary to implement the plain meaning of the statute.

We have already concluded that self-propelled mobile homes are not of the same classification as towed semitrailers, and are not exempt from receiving two license plates. Self-propelled mobile homes are, however, motor vehicles, as motor vehicles are defined in Neb. Rev. Stat. § 60-301(14) (1993), which defines a motor vehicle as "any vehicle propelled by any power other than muscular", and which excludes mobile homes from the following list of exceptions. (See also Opinion Attorney General No. 168, dated November 8, 1979).

The statutes governing the registration of motor vehicles uniformly require the Department of Motor Vehicles to issue two plates to any motor vehicle not included in the list of exceptions in Neb. Rev. Stat. 60-311(1) (1993), quoted above. Under Neb. Rev. Stat. 60-311(.02) (1993), "{w}hen two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. When only one plate is issued, it shall be prominently displayed on the rear of the registered vehicle. . . ." Section 60-323 restates this rule: "Except as otherwise specifically provided, no person shall operate, drive, or park or cause to be operated, driven, or parked a motor vehicle on the public highways unless such vehicle at all times has displayed one number plate on the back thereof and one number plate on the front thereof, which plates shall be furnished for it as hereinbefore provided." Neb. Rev. Stat. § 60-323 (1993).

As we stated in an earlier opinion, these statutes grant the Department of Motor Vehicles the "authority and responsibility for administering and enforcing the registration and licensing system in this state." Opinion Attorney General No. 256 (dated March 14, 1980). This authority, however, is not absolute. "An administrative body has no power or authority other than that specifically conferred by statute or

by a construction necessary to accomplish the plain purpose of the act. . ." Opinion Attorney General No. 87104 (dated October 22, 1987) (*quoting* **Nebraska Association of Public Employees v. Game and Parks Commission,** 220 Neb. 883, 884-885, 374 N.W.2d 46, 48 (1985)).

Further, an agency practice that contravenes a state statute will not prevail over the statute, regardless of the length of time the practice has been in use:

> "In general, administrative interpretations, although not given the force of statutory authority or law, are entitled to consideration and weight, particularly where the interpretation has been long-continued. However, mere usage alone cannot be invoked to invest administrative agencies with authority or powers not clearly within their legislative grant. . . *it must be remembered that the plain provisions of a statute cannot be altered by administrative action . .* ."

Opinion Attorney General No. 85 (dated April 17, 1981) (*citing* **Nishnabotna valley Rural Elec. Coop. v. Iowa P. and L. Co.,** 161 N.W.2d 348 (1968), (italics added).

The Department of Motor Vehicles issues a single license plate to both self-propelled mobile homes and towed trailers, as stated in a departmental memo describing the classifications of Nebraska license plates. However, Neb. Rev. Stat. § 60-311(1) (1993) does not include self-propelled mobile homes in its delineation of vehicles not required to display two license plates. Had the legislature wished to include self-propelled mobile homes in this list of exceptions, the legislature could have done so when drafting the law. The plain meaning of this statute, and of those stated above, is that self-propelled mobile homes are motor vehicles which must display two license plates, as must all other motor vehicles which are not motorcycles, truck-tractors, semitrailers, or buses. Under the legal authority stated above, the Department of Motor Vehicles may not alter the provisions of the statute, either by administrative interpretation or by virtue of its practice of issuing one license plate to self-propelled mobile homes rather than two.

QUESTION:

(3) If the department policy is in violation of state statute, must county officials comply with department policy and refuse to issue the second plate at the time of registration?

ANSWER:

No. License plates are generally distributed by the county treasurer, an elected official who would not be charged with following the instructions of the Department of Motor Vehicles to issue only one plate at the time of registration.

The laws of Nebraska infer but do not expressly state that the county treasurer is the county official usually charged with the distribution of new license plates. It is the duty of each county to carry out the registration of motor vehicles. Neb. Rev. Stat. § 60-311.01 (1993). The county treasurer, or designated county official, acts as an

agent for the Department of Motor Vehicles in the collection of motor vehicle registration fees. Neb. Rev. Stat. § 60-326.01 (1993). All registration fees are to be paid to the county treasurer or designated county official. Neb. Rev. Stat. § 60-318 (1993). Further, the county treasurer or designated county official furnishes certificates of registration, Neb. Rev. Stat. § 60-312 (1993), and collects fees when new license plates are issued, Neb. Rev. Stat. § 60-311. As the county treasurer is charged with these aspects of registration, it follows that the county treasurer also distributes license plates at the time of registration.

Although § 60-326.01 states that the county treasurer, or designated county official, acts as the agent of the Department of Motor Vehicles in the collection of fees, the county treasurer is an elected county official, Neb. Rev. Stat. § 23-1601.01, and not an employee of the Department of Motor Vehicles. As an elected official, the county treasurer is not required to follow the directions of the D.M.V. to issue only one plate; by law, the county treasurer is required only to "receive all money belonging to the county, from whatsoever source derived, and all other money which is by law directed to be paid to him or her." Neb. Rev. Stat. § 23-160(1) (1993). Therefore, the county treasurer need not comply with the directive of the Department of Motor Vehicles and issue only one plate to owners of self-propelled mobile homes.

If, however, the Department of Motor Vehicles has only ordered one license plate for a particular vehicle, the county treasurer or designated county official will have only one plate to issue.

QUESTION:

(4) If the department policy is in violation of state statute, in view of department policy prohibiting the issuance of two reflectorized license plates, what recourse would a state citizen have when cited under § 60-323?

ANSWER:

Neb. Rev. Stat. § 60-311.02 requires the recipients of two license plates to display one on the front and one on the rear of the registered vehicle. Recipients of a single plate are to display it on the rear of the registered vehicle. Violations of this section are addressed by Neb. Rev. Stat. § 60-348 (1993). It is our understanding that a violation of § 60-311.02 results in a Class III misdemeanor. Therefore the situation might arise where a citizen could be cited for violating § 60-311.02 and be charged with a Class III misdemeanor.

However, it should be pointed out that the defense of impossibility may be available to the motorist charged under Nebraska's criminal statutes. As previously stated, if the Department of Motor Vehicles has only ordered one license plate for a particular vehicle, then the citizen can only display one plate.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Paul N. Potadle
Assistant Attorney General

cc: Clerk of the Legislature
30-316-3

Opinion No. 95055

DATE: July 10, 1995

SUBJECT: Effect and Correction of Improper Internal References in Constitutional Amendments Imposing Term Limits; Authority of the Secretary of State to Correct Technical Errors While Printing Constitutional Amendments Approved by the People.

REQUESTED BY: Scott Moore
Nebraska Secretary of State

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

At the general election in November, 1994, the people of the State of Nebraska approved amendments to the Nebraska Constitution which impose term limits on various state and federal officials. Those term limit amendments were proposed by means of an initiative petition effort by the people.

On December 13, 1994, we issued Op. Att'y Gen. No. 94099 to Governor Nelson in which we discussed certain aspects of the term limits initiative process, and insertion of those term limits amendments into the Nebraska Constitution. Specifically, Governor Nelson noted that the petition language implementing constitutional term limits which was approved by Nebraska voters contains some technical errors with regard to the placement of appropriate constitutional sections, and that those errors have been acknowledged by the individuals who drafted the original initiative petition. Governor Nelson then asked whether those technical errors could be corrected, and who had proper legal authority to cure them. We concluded that the Governor did not have such authority in connection with his duties to proclaim election results under the Nebraska Statutes. However, we also concluded that the technical errors could be corrected by your office and by the Revisor of Statutes in connection with your respective duties regarding the printing of constitutional amendments initiated by the people.

In your opinion request letter, you state that you are "uneasy about changing constitutional provisions, however minor those changes may seem, that were voted on by the citizens of this state without clear precedent that such changes are permitted." Therefore, you have now posed a number of questions to us regarding how the amendments in question should be printed, and regarding the effects of certain

"grandfathering" provisions in the amendments themselves. We will respond to each of your various questions in turn.

The technical errors at issue involve the amendments approved for Art. III, § 8, Art. IV, § 3 and Art. VII, § 15 of the Nebraska Constitution, which generally impose term limits upon Nebraska legislators, state constitutional officers and state educational officers. In each of those amendments, the term limiting paragraph ends with language which makes the officer in question unable to serve in or ineligible to file for the office involved for a specified period after the expiration of the second of two consecutive terms "and as further provided in Article XV Section 20." Article XV, Section 20 of the Nebraska Constitution, as amended through the same petition effort in November, 1994, applies to federal officers. Article XV, Section 21 of the 1994 petition amendments, on the other hand, applies to state officers. As a result, it appears clear that the reference to "Article XV Section 20" in the amendments petition at issue should actually be a reference to "Article XV Section 21."

There is also an additional technical error in the November, 1994, initiative measure which we pointed out in Opinion No. 94099. The latter portion of the initiative petition purports to amend Article XV of the Nebraska Constitution by adding new Sections 19, 20, 21 and 22. However, there is currently an existent Section 19 in Article XV of the Nebraska Constitution which deals with local liquor licenses. Therefore, Sections 19, 20, 21 and 22 in Article XV of the initiative petition must be renumbered when they are placed in the Constitution as Sections 20, 21, 22 and 23, respectively. We indicated in Opinion No. 94099 that you clearly have authority to make that change in numbering as the amendments are printed, since the initiative petition in question itself states in its preamble that: THE CONSTITUTION OF THE STATE OF NEBRASKA SHALL BE AMENDED AS INDICATED; **OR PLACED IN ARTICLES AND SECTIONS AS DETERMINED BY COMPETENT AUTHORITY OF THE STATE AS FOLLOWS.** (emphasis added). That change will necessitate a further change in numbering in the paragraphs involving the other technical errors discussed above.

We will now discuss each of the questions which you posed to us.

1. "Is it your opinion that this is the appropriate change for {Art. II, § 8 of the Nebraska Constitution in light of the technical errors noted above}: No person shall be eligible to file for election to or to serve as a member of the Legislature for a period of four years after the expiration of the second of two consecutive terms for which they were previously elected and as further provided in Article XV Section 22?"

We believe that the language stated in your question No. 1 is the appropriate correction for Art. III, § 8. As noted above, the section of Article XV referenced at the end of Art. III, § 8 would have to be corrected in any event from the language in the initiative petition, given the continued existence of a Section 19 in Article XV. For the reasons stated in our earlier opinion to the Governor, we believe that

you have the authority to make an additional correction in printing the Constitution so that the language in Art. III, § 8 references the subsequent constitutional provision dealing with state officers as opposed to the subsequent constitutional provision dealing with federal officers.

2. "While I agree that such a change would accomplish what I personally feel was the sponsors' and probably the voters' intent, does making such a change {as outlined in question 1 above} run contrary to the decision in Omaha National Bank vs. Spire where the court stated, 'We hold that the intent of the voters adopting an initiative amendment to the Nebraska Constitution must be determined from the words of the initiative amendment itself'?"

In our view, making the change in internal constitutional references noted above does not violate the rule for constitutional interpretation which you quoted from **Omaha National Bank v. Spire,** 223 Neb. 209, 389 N.W.2d 269 (1986). The issue in the **Omaha National Bank** case involved the construction of the language of a particular amendment to the Nebraska Constitution enacted as the result of an initiative petition effort. The Supreme Court noted that, unlike the situation with a constitutional provision created as a result of a constitutional convention where the debates and discussions of the delegates can be consulted to determine the framers' intent, there is no way to determine the intent of all the individual signers who signed a petition for a constitutional amendment proposed by the initiative petition method. Nor is there any way to determine the intent of all the individual voters who voted for a particular initiative measure in such an instance. As a result, only the plain language of an initiative petition itself can be used to interpret the meaning of its provisions.

In the present instance, however, the technical corrections proposed for the term limits amendments in the printed version of the Nebraska Constitution do not, in any way, interpret or construe the meaning of the language of the amendments approved in 1994. Rather, those changes simply involve a technical correction of the internal references within those amendments. Consequently, we do not believe that the rule for construction of constitutional language in the **Omaha National Bank** case applies.

3. "While I recognize that you have provided some authority in AO #94099 . . ., is there a precedent for making changes to an adopted amendment? Is it possible to make the changes using the argument that it is presumed that the voters intended a sensible rather than absurd result?"

If, in your third question, you are asking if there are Nebraska cases directly on point which clearly allow you to make the technical corrections at issue in this matter, then we must state that we have been unable to find any such cases. However, as you noted, there is authority which supports the proposition that you have the power to make those technical corrections, and we believe that you may do so for the reasons stated in our Opinion No. 94099.

Apart from your question involving precedent for the technical corrections here, you also wish to know if an argument supporting the propriety of the technical corrections can be based upon the maxim of statutory construction which states that a court will try to avoid a construction of a statute which leads to absurd, unjust or unconscionable results. **Coleman v. Chadron State College,** 237 Neb. 491, 466 N.W.2d 526 (1991).

As a general rule, the usual principles governing the construction of statutes apply to the construction of constitutions. 16 C.J.S. **Constitutional Law** § 19. But, constitutional provisions should receive a broader and more liberal construction than statutes, and constitutions are not subject to the rules of strict construction. **Neb. Public Power District v. Hershey School District,** 207 Neb. 412, 299 N.W.2d 514 (1980). Within those parameters, there is authority for the premise that constitutional language should be construed so as to avoid absurd or unreasonable results. **Carman v. Hare,** 384 Mich 443, 185 N.W.2d 1 (1971); **Kayden Industries v. Murphy,** 34 Wis.2d 718, 150 N.W.2d 447 (1967); 16 Am.Jur.2d **Constitutional Law** §112.

While an absurd construction of a constitutional provision is to be avoided, the technical corrections in the amendments which are proposed here, as discussed above, do not involve ascertaining the meaning of the term limits amendments or construing the language of their provisions. Instead, the changes involve correcting internal references within the amendments themselves so that they reference the proper subsequent constitutional provisions. On that basis, we do not believe that the maxim of statutory construction which you cited applies to the process of making corrections in printed versions of the Nebraska Constitution.

4. "If such a correction {of the technical errors at issue} is not made or ruled as improper, is it permissible to read Article III Section 8 and Article XV Section 21 (c) (of the proclamation) together and accept the filing of an incumbent who has previously served two complete terms or does Article III Section 8 conflict with Article XV Section 21 (c)? If a conflict does exist, should such filing be accepted? Is it possible to use the 'sensible rather than absurd result' argument as to the effect of the 'grandfather' clause if the changes are not made or ruled improper?"

Before we specifically discuss your question number 4, we must point out some general rules regarding the application and construction of constitutional provisions. The Nebraska Constitution must be read as a whole, and constitutional amendments become an integral part of the instrument which must be construed and harmonized, if possible, with all other provisions so as to give effect to every section and clause as well as to the whole instrument. **Jaksha v. State,** 241 Neb. 106, 486 N.W.2d 858 (1992); **Banner County v. State Board of Equalization and Assessment,** 226 Neb. 236, 411 N.W.2d 35 (1987). Constitutional provisions relating to the same subject matter should be construed together, with a view to giving effect to each provision if possible.

State ex rel. Randall v. Hall, 125 Neb. 236, 249 N.W. 756 (1933). Constitutional provisions are repugnant to each other or conflicting only when they relate to the same subject, are adopted for the same purpose, and cannot be enforced without substantial conflict. **Swanson v. State,** 132 Neb. 82, 271 N.W. 264 (1937). Differences in constitutional provisions must, if possible, be reconciled. **State ex rel. Randall v. Hall, supra.**

Art. III, § 8 of the Nebraska Constitution, as amended by the 1994 initiative effort, places a limit of two consecutive terms upon service in the Nebraska Legislature except "as further provided in Article XV Section 20." While Article XV, Section 20 of the initiative applies to federal officers, Article XV Section 21 of the initiative adds a new clause to the Nebraska Constitution which provides, at subsection (c), that "{t}he term held and being served {by various state officers including members of the Legislature} as a result of an election prior to the effective date of this amendment 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." Based upon the various rules for the construction and application of constitutional provisions cited above, it seems to us that Article III, Section 8 and Article XV, Section 21 (c) of the 1994 initiative are not repugnant or conflicting. Moreover, we believe that our courts would attempt to give effect to both provisions, and that the admittedly faulty reference in Art. III, § 8 of the initiative to "Article XV, Section 20" would not, in and of itself, serve to vitiate the "grandfathering" provisions in Art. XV, § 21 of the initiative. Therefore, it appears to us that you may accept the filing of an incumbent who has previously served two complete terms and who fits under the "grandfathering" provision of Art. XV, § 21 even if the technical corrections which are the subject of this opinion are not made or are ruled as improper in some forum. On that basis, it is not necessary for you to advance the "sensible rather than absurd result" argument with respect to application of the "grandfathering" provision in Article XV, Section 21 of the initiative.

5. "If the correction is made, I would accept a filing to reelect an incumbent who has previously served two complete terms as the incumbent would be 'grandfathered' under Article XV Section 22. If however, that filing is successfully challenged (because the changes were improper) as being in violation of Article III Section 8 which prohibits a filing by a two term incumbent, am I subject to the provisions of Article XV Section 22 (of the proclamation) which include removal from office and ineligibility to further hold public office?"

For the reasons stated above, it is our view that courts would give effect to both Art. III, § 8 of the initiative amendments and Article XV, Section 21 of those amendments containing the "grandfathering" provision, irrespective of whether the technical corrections at issue are inserted in the printed version of the Nebraska Constitution. Therefore, we do not believe that a filing by an incumbent subject to the

"grandfathering" provision in Article XV, Section 21 of the initiative can be successfully challenged simply because you correct faulty internal references in the term limits amendments as those amendments are printed. It necessarily follows that you would not be subject to the provisions of Article XV, Section 22 of the initiative regarding removal from office and so forth because you chose to implement the technical corrections at issue here.

6. In the event of a challenge to the acceptance of a filing by a two term incumbent for reelection in 1996, will your office provide my defense to accepting the filing?

For the reasons discussed above, it is our view that all of the term limiting provisions for state officers contained in the various portions of the 1994 constitutional amendments proposed by initiative and the "grandfathering" provision found in Article XV, Section 21 (c) of that initiative are effective even though there are incorrect internal references in several of the initiative petition sections. Therefore, we do not believe that an action to challenge a filing by a two-term incumbent for reelection in 1996 purely on the grounds that such a filing would be improper under the term limits amendments or purely on the grounds that you improperly corrected the erroneous internal references in the term limits amendments would be successful. This office would defend you in such an action.

7. If such a challenge is successful, will your office provide my defense against removal from office or will your office be required to seek my removal?

As discussed above, we do not believe that such a challenge would be successful. However, if an action were brought against you for removal from office under Article XV, Section 22 of the 1994 term limits amendments because you followed our counsel and made the technical corrections in the constitution at issue here, or because you accepted a reelection filing by an incumbent under Article XV, Section 21 of the term limits amendments based upon our advice, this office would provide your defense.

8. "Is there a possibility that this issue may be clarified by the Court in Duggan v. Beerman (sic), No. 94-1112 currently before the Court.?"

In **Duggan v. Beermann,** No. S-94-1112, the Nebraska Supreme Court will consider several aspects of the legality of the term limits amendments that were approved by the voters in November, 1994. On September 9, 1994, the plaintiffs in the **Duggan** case filed an action in Lancaster County District Court in which they raised several issues regarding the legality and sufficiency of the initiative petition effort which ultimately presented the term limits amendments to the people of Nebraska. Those issues included: 1. whether the initiative petition form was defective, 2. whether the object clause of the initiative petition was incomplete or misleading, 3. whether submission of the term limits amendments to the people in November, 1994, violated Art. III, § 2 of the Nebraska Constitution, and 4. whether the term limits amendments

were unconstitutional on their face. On November 7, 1994, the Lancaster County District Court held that:

1. the initiative petition form was not defective, as any defects or errors were clerical or technical, and the form substantially complied with statutory requirements,
2. the object clause of the initiative petition satisfied statutory requirements and was legally sufficient,
3. submission of the term limits initiative to the voters in November, 1994, was not precluded by Neb. Const. Art. III, § 2, and
4. the constitutionality of the term limits amendments was not yet justiciable, and ruling on the constitutionality of the proposed amendments would constitute an impermissible advisory opinion.

The District Court decision in **Duggan** was appealed, and that appeal is currently pending before the Nebraska Supreme Court.

The technical errors in the term limits initiative petition which reference the wrong subsequent sections of the constitution and which are the subject of your opinion request present only subsidiary issues in the **Duggan** case. The primary issues in that case involve the constitutionality of the term limits themselves. However, the plaintiffs in **Duggan** did argue that the technical errors made the initiative petition internally inconsistent and legally insufficient, and while the District Court disagreed, the Supreme Court might discuss that issue on appeal. Nevertheless, even in that context, it is unlikely that an opinion in the **Duggan** case will deal specifically with your authority to correct the technical errors in question as you print the Nebraska Constitution.

This office has vigorously defended the term limits amendments, and we will continue to do so. It is possible, however, that the Nebraska Supreme Court could hold in **Duggan** that the term limits amendments were improperly placed before the voters or that the provisions themselves are unconstitutional under the federal constitution.[1] In that case, the term limits amendments could be removed from the Nebraska Constitution, and the bulk of your opinion request in that regard would be rendered moot.

[1] For example, in **U.S. Term Limits, Inc. v. Thorton,** 63 U.S.L.W. 4413 (U.S. May 22, 1995) (Nos. 93-1456 and 93-1828), the United States Supreme Court held that certain portions of an Arkansas term limits provision violated the federal constitution.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05OP042.695

Opinion No. 95060

DATE: July 26, 1995

SUBJECT: Constitutionality of State Legislation Authorizing Wagering on Sporting Events.

REQUESTED BY: The Honorable Eric J. Will, Senator
Nebraska State Legislature

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

You have requested our opinion regarding the constitutionality of potential legislation which would seek to authorize wagering on sports events. As you note in your letter, federal legislation enacted in 1992, the "Professional and Amateur Sports Protection Act", generally prohibits sports gambling conducted by, or authorized under the law of, any state or other governmental entity. Pub. L. No. 102-559, 106 Stat. 4227-4228 (**codified at** 28 U.S.C. §§ 3701 to -3704). You have asked our opinion on several questions, including whether the federal legislation constitutes a valid exercise of Congress' power to regulate interstate commerce under U.S. Const. art. I, § 8, and whether the federal act contravenes the Privileges and Immunities Clause of U.S. Const. art. IV, § 2. You also ask whether enactment of a sports wagering law by the State of Nebraska would be constitutional under the Tenth Amendment of the U.S. Constitution.

The Professional and Amateur Sports Protection Act, as noted, generally prohibits sports gambling conducted by, or authorized under the law of, any State or other governmental subdivision. Section 3702 prohibits any State or other governmental entity from sponsoring, operating, advertising, promoting, licensing, or authorizing by law or compact--and prohibits any person from sponsoring, operating, advertising, or promoting, pursuant to the law or compact of a governmental entity--"a lottery, sweepstakes, or other betting, gambling, or wagering scheme based, directly or indirectly (through the use of geographical references or otherwise), on one or more competitive games in which amateur or professional athletes participate, or on one or more performances of such athletes in such games." 28 U.S.C. § 3702.

Section 3704(a) sets forth certain exceptions to the prohibitions in § 3702. Paragraph (1) provides that the prohibition does not apply to any "lottery, sweepstakes, or other betting, gambling, or wagering scheme in a governmental entity" to the extent that such scheme was actually conducted prior to August 31, 1990. Paragraph (2) provides that the prohibition does not apply to "a lottery, sweepstakes, or other betting, gambling, or wagering scheme in operation in a State or other governmental entity where both (A) such scheme was authorized" by law; and (B) a scheme as described in § 3702 (other than parimutuel animal racing or jai-alai) actually was conducted in that governmental entity "during the period beginning September 1, 1989, and ending

October 2, 1991, pursuant to the law of that State or other governmental entity." Paragraph (3) provides that § 3702 does not apply to "a betting, gambling, or wagering scheme, other than a lottery described in paragraph (1), conducted exclusively in casinos located in a municipality", if such scheme was authorized not later than one year after the effective date of the act, and "any commercial casino gaming scheme was in operation in such municipality throughout the 10-year period ending on such effective date. . . ." Finally, paragraph (4) provides that § 3702 does not apply to "parimutuel animal racing or jai-alai games."

The Senate Report on the Professional and Amateur Sports Protection Act stated:

> {The} bill serves an important public purpose, to stop the spread of State-sponsored sports gambling and to maintain the integrity of our national pastime. States would be prohibited from sponsoring, operating, advertising, promoting, licensing, or authorizing sports lotteries or any other type of sports betting that is based on professional or amateur games or performances therein.
>
> Sports gambling threatens to change the nature of sporting events from wholesome entertainment for all ages to devices for gambling. It undermines public confidence in the character of professional and amateur sports. Furthermore, State-sanctioned sports gambling will promote gambling among our Nation's young people.

S. Rep. No. 102-248, 102d Cong., 2d Sess. 4 (1992), reprinted in 1992 U.S.C.C.A.N. 3553, 3555.

Articulating why federal action of this nature was necessary, the Senate Report further stated:

> Sports gambling is a national problem. The harms it inflicts are felt beyond the borders of those States that sanction it. The moral erosion it produces cannot be limited geographically. Once a State legalizes sports gambling, it will be extremely difficult for other States to resist the lure. . . . Without Federal legislation, sports gambling is likely to spread on a piecemeal basis and ultimately develop an irreversible momentum.
>
> * * *
>
> Senate bill 474 represents a judgment that sports gambling--whether sponsored or authorized by a State or other governmental entity--is a problem of legitimate Federal concern for which a Federal solution is warranted.

Id. at 5-7, reprinted in 1992 U.S.C.C.A.N. at 3556-3558.

As to your first two questions regarding the constitutionality of the Professional and Amateur Sports Protection Act, we note that "{a} strong presumptive validity { } attaches to an Act of Congress." **United States v. Nat'l Dairy Products Corp.,** 372 U.S. 29, 32 (1963). "{T}he courts of the United States {will} give effect to the presumption that Congress will pass no act not within its constitutional power," and "{t}his presumption should prevail unless the lack of constitutional authority to pass an act in question is clearly demonstrated." **United States v. Harris,** 106 U.S. 629, 635 (1882). A

person challenging the validity of an act of Congress must show "that by no reasonable probability can the challenged legislation fall within the wide range of discretion permitted to Congress." **Helvering v. Davis,** 301 U.S. 619, 641 (1937) (**quoting United States v. Butler,** 297 U.S. 1 (1935)).

In light of the strong presumption in favor of the constitutionality of acts of Congress, and the reasons advanced in the Senate Report accompanying Public Law No. 102-559, we do not believe it is appropriate to undertake an extensive or exhaustive analysis of whether the federal act may conceivably exceed Congress's power to regulate commerce between the states, or whether any potential violation of the guarantees afforded under the Privileges and Immunities Clause is implicated by the act. To our knowledge, no judicial decision invalidating the act on either ground has been rendered. Nor have you referred us to any pending action challenging the constitutionality of the act on these bases. Accordingly, we must presume that the federal act is a proper exercise of power by the United States Congress, in the absence of any judicial decision calling into question its validity.

In addition, you ask whether enactment of a sports wagering law by Nebraska would be constitutional "{u}nder the Tenth Amendment of the U.S. Constitution, which reserves to the states powers not delegated to the states by the U.S. Constitution. . . ." Presuming, as we must, the validity of the federal act, it is clear that any state legislation which would conflict with the federal law would be invalid under the Supremacy Clause of the U.S. Constitution.

U.S. Const. art. VI, cl. 2, provides, in part: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;. . ., shall be the supreme Law of the Land;. . . ." The Supremacy Clause requires that "where 'there is clear collision between state and federal law',. . ., or a conflict between federal law and the application of an otherwise valid state enactment,". . ., federal law must prevail. **Hamm v. City of Rock Hill,** 379 U.S. 306, 311-12 (1964) (**citations omitted**). Simply put, "{s}tate law is preempted to the extent that it actually conflicts with federal law." **English v. General Elec. Co.,** 496 U.S. 72, 79 (1990).

Obviously, any Nebraska law which would purport to authorize sports wagering would conflict with the prohibition contained in § 3702. Accordingly, any legislation which you may wish to propose to authorize sports wagering in Nebraska would, if enacted, conflict with federal law in violation of the Supremacy Clause.[1]

[1] We also note that, to the extent your request indicates that you would propose "legislation" authorizing sports wagering in Nebraska, merely seeking to allow such conduct by statute alone would violate Neb. Const. art. III, § 24. On two previous occasions, we have opined that wagering on sporting events is not authorized under art. III, § 24. Op. Att'y Gen. No. 87062 (April 24, 1987); Op. Att'y Gen. No. 25 (Feb. 26, 1985). Even if the state could authorize sports wagering without violating the federal act (which, as noted, it cannot), sports

wagering could not be enacted in Nebraska unless an amendment to the Nebraska Constitution were adopted to allow such wagering.

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

cc: Patrick O'Donnell
Clerk of the Legislature
7-2040-7.ops

Opinion No. 95073

DATE: September 18, 1995

SUBJECT: Constitutionality of Service in the Nebraska Legislature Coupled with Other Governmental Employment

REQUESTED BY: Senator Michael T. Avery
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General

You have requested our opinion regarding government employment and your membership in the Nebraska Legislature. You note that you gave up your position at the Nebraska Game and Parks Commission when you joined the Legislature two years ago. You then ask:

> What I am not sure about is whether I can serve as a paid consultant to the state or to any other governmental agency.
>
> Do the limits in the state constitution apply in any way to county or city employment? Also, I know from the Conway decision {**State ex rel. Spire v. Conway,** 238 Neb. 766, 472 N.W.2d 403 (1991)} that I cannot work for a state college, but can I work for a city or county school system which receives state monies. (sic) If so, would this limitation only apply to state sponsored programs within such school systems?

From subsequent conversations with your staff, we understand that you are considering work as a paid consultant for state educational institutions or local school districts. You are also apparently considering teaching at the local level. We understand further that your primary concern is with Art. III, § 9 of the Nebraska Constitution.

Art. III, § 9 provides:

> No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state

office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void.

The general purpose of constitutional provisions such as Art. III, § 9 is to protect against conflicts of interest and to prevent improper personal gain and the concentration of power. 67 C.J.S. **Officers** § 29; **In re Wilkins,** 116 Neb. 748, 119 N.W. 9 (1928). However, while such provisions prohibit a Legislator from holding another public office, they do not prohibit public employment. 67 C.J.S. **Officers** § 29; **McCutcheon v. City of St. Paul,** 298 Minn. 443, 216 N.W.2d 137 (1974). For example, in the **McCutcheon** case, the Supreme Court of Minnesota held that members of the state legislature could also serve as police officers for the City of St. Paul since, in the latter capacity, they were not public officers for purposes of a state constitutional provision which stated that no members of the Minnesota House of Representatives or Senate could "hold any other office under the authority of the United States or the State of Minnesota."

In Nebraska, a public office is a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power. **State ex rel. Spire v. Conway, supra.** Public offices involve public stations or employment, conferred by the appointment of government, which embrace the ideas of tenure, duration, emolument and duties. **State ex rel. O'Connor v. Tusa,** 130 Neb. 528, 126 N.W.2d 524 (1936). You indicated in your opinion request that you wish to act as a paid consultant to state and local educational entities. We do not believe that the typical paid consultant position would involve an appointment of government, tenure, duration, specified duties by statute, or any exercise of the sovereign power. As a result, we do not believe that you would occupy a public office with respect to your proposed employment by a state educational institution or a local school district in the capacity of a paid consultant. Such employment while you serve in the Legislature would not, therefore, appear to violate Art. III, § 9.

Serving as a teacher in a local school district while serving in the Legislature is a bit more problematic under Art. III, § 9. In **Eason v. Majors,** 111 Neb. 288, 196 N.W. 133 (1923), the court held that a teacher at a state college was a public officer for purposes of jurisdiction under the quo warranto statutes. There is language in the **Eason** case which would support an argument that teachers are public officers, and **Eason** was cited with approval in **State ex rel. Spire v. Conway, supra,** for the proposition that the court there had jurisdiction. If teachers are public officers, then there is a potential problem with teaching and simultaneous service in the Legislature under Art. III, § 9.

On the other hand, while the court in **Conway** indicated that a teacher in a state college holds a public office for purposes of quo warranto jurisdiction, the court also indicated that the words "office" and "officer" are of vague and variable import, and their meaning necessarily varies with the connection in which they are used. As a result, it is not clear under **Conway** that all teachers are public officers

for all purposes beyond the issue of quo warranto jurisdiction. Moreover, as we indicated in our Op. Att'y Gen. No. 92022 (February 18, 1992), the **Conway** decision offers little guidance as to the application of its holding to local governmental officials. Consequently, we cannot say that you are clearly precluded from acting as a teacher for a local school district and serving in the Legislature under Art. III, § 9.

The decision in the **Conway** case involved the application of the Separation of Powers provision in the Nebraska Constitution, Art. II, §1, to a member of the Legislature who was on the faculty of a state college. Art II, § 1 also has potential application to situation outlined in your opinion request.

Art. II, § 1 of the Nebraska Constitution provides, as is pertinent here:

> 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, . . .

In **Conway,** the court set out the following rule concerning the constraints provided by Art. II, § 1:

> . . . article II prohibits one who exercises the power of one branch -- that is, an officer in the broader sense of the word -- from being a member -- that is, either an officer or employee -- of another branch.

Conway at 782, 472 N.W.2d at 412. Therefore, since you are clearly an officer in the legislative branch of government through your service as a Legislator, you cannot be an officer or an employee of another branch of government as a result of any educational position which you are currently contemplating.

As discussed above, we do not believe that paid consultants to governmental agencies are officers of those agencies. Consequently, your service as a paid consultant to a governmental agency in the Executive Branch of government would only contravene Art. II, § 1 of the Nebraska Constitution if that service made you an employee of the agency in question. With respect to that issue, we will provide you with guidance in the context of employment as a paid consultant to state agencies since, as we have noted previously, it is unclear to what extent, if at all, the **Conway** rule applies to local governmental entities.

The Nebraska Supreme Court has not directly indicated what constitutes being an employee of a state agency in a case involving Art. II, § 1. What constitutes an employee varies from situation to situation. See Black's Law Dictionary 471 (5th ed.) "Employee." Someone may be an employee for federal tax purposes and not for other purposes. **Sullivan v. Hajny,** 210 Neb. 481, 315 N.W.2d 443 (1982). Someone may be an employee for workers' compensation purposes and not for other purposes. **See, e.g., Williams v. Williams Janitorial Service,** 207 Neb. 344, 347, 299 N.W.2d 160 (1980); **Stephens v. Celeryvale Transport, Inc.,** 205 Neb. 12, 19, 286 N.W.2d 420 (1979).

It seems to us that one of the basic purposes of Art. II, §1 is to prevent one branch of government from holding out the inducement of employment to influence officials of another branch of government. Hence the rule that someone who is an officer in one branch of government may not be an officer or employee in another branch of government. In that regard, the evil is the same whether an officer in one branch of government is a traditional employee or is employed as an independent contractor. Since many employee relationships could potentially be revised to create independent contractor status, it seems to us the proper interpretation of **Conway** is that an officer in one branch of government may not be either a common law employee or employed as an independent contractor by another branch of state government.

Teaching for a local school district and serving in the Legislature presents additional potential problems under Art. II, § 1 for those reasons discussed above with respect to Art. III, § 9. Specifically, it is possible to argue in that situation that teachers are public officers in the executive branch of government, which would cause obvious difficulties under the Separation of Powers provision. However, as was the case with Art. III, § 9, it is far from clear that teachers for a local school district are public officers. Nor is it clear if and/or how the **Conway** rule applies to local governmental entities. Consequently, we cannot say that you are clearly precluded from serving in the Legislature and teaching in a local school district under Art. II, § 1 of the Nebraska Constitution.

Finally, we would note that you should take the provisions of Art. III, § 16 of the Nebraska Constitution and its associated statutes dealing with conflicts of interest for Legislators into account in any situation where you might contract with governmental entities for your services. In particular, that constitutional provision and **Neb. Rev. Stat.** § 49-14,102 (1993) provide for open contract awards and public access to contract documents in certain circumstances.

Sincerely yours,
DON STENBERG
Attorney General

05-38-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95078

DATE: October 4, 1995

SUBJECT: Floater Spreaders

REQUESTED BY: Senator W. Owen Elmer
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
John E. Brown, Assistant Attorney General

You have requested our opinion whether the Nebraska Department of Roads has authority, pursuant to Neb. Rev. Stat. § 60-6,298(1)(a)(i)(B) (Supp. 1994), to issue a special permit allowing the operation of overweight fertilizer floater spreaders (floater spreaders) on Nebraska highways. We believe that the Department has authority to issue such a permit if the vehicle is overweight without load. If, however, the vehicle is overweight only because of the load it carries, the Department of Roads has no authority to issue a special permit pursuant to Neb. Rev. Stat. § 60-6,298(1)(a)(i)(b) (Supp. 1994).

You have provided us with a video tape recording showing the operation of a floater spreader, a framed picture of the floater spreader, and a sales brochure showing the specifications of the machine and the applications that can be made with the floater spreader. Further, your letter explains that the floater spreader generally travels to the field loaded and that the vehicle is serviced by a "nursing or tender" truck in the field after the initial load of fertilizer is dispensed. You do not state the weight of the vehicle, loaded or unloaded, and the literature that you have provided does not list this information. You do state that newer equipment is being manufactured that is overweight when unloaded. Officers of the Carrier Enforcement Division of the Nebraska State Patrol, when contacted, stated that the floater spreaders that they had weighed during the last 15 years were overweight only when loaded.

Neb. Rev. Stat. § 60-6,298(1)(c) (1993) provides as follows:

> (c) **No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object** which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(Emphasis added.)

The first sentence of the above-quoted statute limits the issuance of permits by the Nebraska Department of Roads to overweight vehicles that cannot be dismantled or reduced in size without great difficulty. If the floater spreader is made overweight by reason of its load, it can be reduced in size without great difficulty by simply eliminating the load and therefore, cannot qualify for for a special permit from the Department of Roads. If, however, the vehicle is overweight without

load, and cannot be easily dismantled to reduce its weight, it would qualify for a special permit from the Department of Roads.

Sincerely,
DON STENBERG
Attorney General
(Signed) John E. Brown
Assistant Attorney General

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

Opinion No. 95083

DATE: October 25, 1995

SUBJECT: Reimbursement Payments Under the Petroleum Release Remedial Action Act, Neb. Rev. Stat. §§ 66-1501 to 66-1530

REQUESTED BY: Senator Curt Bromm
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office on a number of questions which relate to reimbursement payments pursuant to the Petroleum Remedial Action Act ("the Act"), set out in Neb. Rev. Stat. §§ 66-1501 to 66-1530.

Nebraska Rev. Stat. § 66-1519 (Cum. Supp. 1994) created the Petroleum Release Remedial Action Cash Fund ("the Fund"). The Fund's purpose is to create a cash reserve from which those parties responsible for undertaking actions to remedy petroleum released from storage tanks into the environment can be reimbursed for some of their costs. Under the Act, the Nebraska Department of Revenue is responsible for collecting the fees imposed on sales of motor vehicle fuels and other petroleum. Pursuant to Neb. Rev. Stat. § 66-1519, the Department of Environmental Quality ("the Department") is charged with administering the provisions of the Act. Title 200 NAC 1-7, entitled "Rules and Regulations for Petroleum Release Remedial Action Reimbursement Fund," sets out the Department's rules for implementation of the program. They are promulgated by the Nebraska Environmental Quality Council pursuant to Neb. Rev. Stat. § 66-1518 (Cum. Supp. 1994).

The following headings set out the questions posed in opinion request.

1) What is the liability or responsibility of the State of Nebraska if approved work has been completed, an application has been submitted for payment, and there is not sufficient monies in the

Petroleum Release Remedial Action Cash Fund to effect reimbursement?

When addressing liability or responsibility, we assume the question relates to any obligations the State may incur with regard to parties responsible for conducting remedial actions. Two statutory sections within the Act specifically address the issue presented above. Nebraska Rev. Stat. § 66-1523(4) (Cum. Supp. 1994) states:

> (4) If the fund is insufficient for any reason to reimburse the amount set forth in this section, the maximum amount that the fund shall be required to reimburse is the amount in the fund. If reimbursements approved by the department exceed the amount in the fund, reimbursements shall be made in the order in which the applications for them were received by the department.

Nebraska Rev. Stat. § 66-1524 (1990) states:

> The State of Nebraska shall not be liable for any reimbursement under the Petroleum Release Remedial Action Act in the event that the fund is insufficient to reimburse the amount set forth in section 66-1523.3)

These two statutory provisions show that it is the Fund itself which incurs an obligation to pay approved reimbursement requests, not the State of Nebraska. Based on the language in these statutes, it is our opinion that the State of Nebraska does not incur any financial liability to pay reimbursement funds to owners of petroleum storage tanks who have completed approved remedial projects, have submitted an application for payment, but are not immediately paid due to insufficient money being present in the Fund.

2) Under the {facts presented in question 1}, what is the responsibility of the State with respect to interest on the unpaid monies? Are the persons requesting reimbursement entitled to interest, and if so, from what date and at what rate?

Addressing the above questions in reverse order, we do not find sufficient evidence to indicate applicants for reimbursement would be entitled to interest payments when the Fund does not have a sufficient balance to pay requested reimbursements.

The Department has taken the position that interest is owed to those responsible parties who submitted applications for reimbursement prior to August 14, 1995, but have not yet been reimbursed. August 14, 1995, is the date the Fund's balance became insufficient to pay the applications for reimbursement. The Department has paid interest on those claims filed prior to August 14 based on the Nebraska Prompt Payment Act, Neb. Rev. Stat. §§ 81-2401 to 81-2408. The Prompt Payment Act requires state agencies to provide payment in full on or before the forty-fifth day after submitting a bill for goods or services, or sixty days after submitting a bill for goods or services provided for third parties. After not receiving payment within the required time, creditors are allowed to charge interest on the unpaid principal balance beginning on the thirty-first day after the agency receives the bill or the goods, whichever is later. The Department believes remedial work to correct petroleum releases constitutes services for a third party,

which require payment within sixty days under the Prompt Payment Act.

Under the Department's analysis, the request for reimbursement constitutes a "bill," which the Fund is obligated to pay. The Department believes that since the Fund had a sufficient balance prior to August 14, 1995, with which to pay claims, the Fund was obligated to pay reimbursement "bills" prior to that date. The "service" rendered is the work remedying the petroleum release, performed by either the responsible party or the contractor actually performing the work. Therefore, the Department has paid interest on unpaid applications submitted prior to August 14, 1995. The Department believes that no interest is due for unpaid reimbursements submitted after August 14, as the Fund's liability is limited to the amount in the Fund. Since there is no liability for the principal once the Fund becomes insufficient, there is no liability to pay interest on the principal. Applications for reimbursement which are being paid now were submitted approximately six months ago. The Department anticipates the wait period for reimbursement to continue to increase.

Although the Prompt Payment Act requires timely payments, and in the alternative allows creditors to charge interest, we do not believe applicants for reimbursement payments under the Petroleum Remedial Action Act meet the criteria set out in the Prompt Payment Act.

To be a "creditor" under the Prompt Payment Act, one must provide goods or services to an agency. Applicants for reimbursement do not provide the Department of Environmental Quality or any other state agency with goods or services. The reimbursement is for money applicants expend on repairs and clean up of petroleum contamination on their own property. The language of the Prompt Payment Act deals exclusively with goods or services provided to agencies. There are no provisions for situations such as are presented with payments under the Petroleum Remedial Action Act.

Also, the Act contains no language indicating that interest is to be paid to applicants for reimbursement. If the Legislature had intended for interest to be paid as a separate amount, or as part of the reimbursement itself, language to that effect could have easily been included in the Act. The absence of such language provides evidence that interest payments were not a cost the Legislature intended the Fund to repay. Further support for this position can be drawn from the fact that reimbursement for actions taken which remedy environmental contamination is a debt created entirely by statute, and payment of interest was not included.

Prior to passage of the Act and creation of the Fund in 1989, owners or operators of leaking petroleum tanks could be and were made responsible for remedial actions without any reimbursement under the Nebraska Petroleum Products and Hazardous Substances Storage and Handling Act, set out at Neb. Rev. Stat. §§ 81-15,117 to 81-15,127. Nebraska Rev. Stat. § 81-15,124(3) (1987) stated, "The approved recovery plan shall then be carried out by the owner or operator of the tank causing the release. **All expenses incurred**

during the cleanup and recovery shall be paid by the owner or operator." (emphasis added). In 1989 the Legislature passed the Petroleum Release Remedial Action Act and created the Fund for the reasons stated in Neb. Rev. Stat. § 66-1502 (1990), including easing the financial burden on responsible parties in order to promote remedial actions. Section 81-15,124(3) was amended to reflect that owners or operators are responsible for remedial action costs, subject to reimbursement from the Fund.

The fact remains that the financial obligation for reimbursements was created by the Legislature and assumed by the Fund only through the charter created in the Act. Without being granted the specific authority to pay interest, the Fund may be incurring a debt without authorization from the Legislature. Under the Petroleum Remedial Action Act, the Department is merely charged with administration of the Fund. The Nebraska Supreme Court has held in numerous cases that administrative agencies cannot use their rule-making or interpretive power to modify, alter, or enlarge provisions of statutes which they are charged with administering. **Clemens v. Harvey,** 247 Neb. 77, 525 N.W.2d 185 (1994); **State ex rel. Spire v. Stodola,** 228 Neb. 107, 421 N.W.2d 436 (1988); **Beatrice Manor, Inc. v. Dept. of Health,** 219 Neb. 141, 362 N.W.2d 45 (1985); **Dodge County v. Dept. of Health,** 218 Neb. 346, 355 N.W.2d 775 (1984). We therefore do not believe applicants for reimbursement are entitled to interest on unpaid money.

Assuming a court did uphold the Department's position and held interest to be due, we will address from what date and at what rate interest would be due. First, if interest were to be held due, it appears clear that the Fund itself would be the debtor, not the State or the Department. Under the Prompt Payment Act, if the agency incurring a debt provides payment for the goods or services provided for third parties within sixty days of receipt of the bill, no interest is due. **See** Neb. Rev. Stat. § 81-2403(2) (1994). If payment is not submitted within sixty calendar days of receiving the bill, the creditor is allowed to charge the agency interest on the unpaid principal balance at the rate specified in Neb. Rev. Stat. § 45-104.02 (1993). **See** Neb. Rev. Stat. § 81-2404 (1994). Interest begins accruing on the thirty-first calendar day after receipt of the bill, or presumably here, the complete application. **Id.**

Turning to the issue of the State's responsibility with respect to interest, the Petroleum Remedial Action Act does not specifically address the issue of the State's liability or lack thereof for interest on unpaid monies. However, §§ 66-1524 and 66-1523(4) could be read to mean that the State was intended to be completely insulated from incurring obligations related to reimbursements under the Act. The language in § 66-1524 appears to be couched in terms of a complete protection from liability on the part of the State of Nebraska. Obligations incurred as a result of a lack of funds are directly and closely related to the reimbursement funds themselves. As such, we believe that the language in §§ 66-1524 and 66-1523(4) written in broad terms, was intended to protect the State from liability should the

Fund not have sufficient money to pay reimbursement claims. As such, if applicants for reimbursements were to be owed interest on unpaid sums, the Act contemplates that the Fund, not the State, would be obligated to pay any interest caused by late payments. As the State cannot be held responsible for payments of the principal in reimbursement payments, we find no evidence indicating the State would be liable for interest for late payments of that principal. Although not determinative, we note that the Department also takes the position that the Fund, not the State, would be obligated to pay any interest payments caused by late reimbursements.

3) Can the Department utilize funds from the Petroleum Release Cash Fund for reimbursement for work completed subsequent to the date upon which an unpaid application is received by the Department?[1]

After submitting an application for reimbursement, the only mechanism through which a party responsible for a leaking petroleum tank could perform further remedial action work and receive reimbursement would be to initiate an entirely new application for approval and reimbursement. The procedure for reimbursement under the Act is for work which has been completed. Therefore, any work performed subsequent to completion of a project and submission of an application for reimbursement would constitute a second project. The Act does not provide a process for reimbursing parties subsequent to completion of an approved remedial action. The Department would therefore not have the authority to reimburse parties for work performed after a remedial action is completed and the Department has received an application for reimbursement for the approved project. The party responsible for the tank would be required to go through an entirely new remedial action reimbursement process for the subsequent work.

The only means by which parties can be paid in a method other than the full reimbursement after the remedial actions are completed is through partial payments after completion of each different stage involved in the remedial action process. Partial reimbursement payments are allowed under Neb. Rev. Stat. §§ 66-1525(1) and 66-1523(3) (Cum. Supp. 1994) and 200 NAC 2, para. 005. The stages after which partial payments are allowed are set out in 200 NAC 2, para. 005.02. However, if the responsible person does not complete the entire remedial action project, he or she must reimburse the Fund for the total amount of partial reimbursements received. **See** Neb. Rev. Stat. § 66-1527 (1990) and 200 NAC 2, para. 005.01. The partial payments are essentially an advance on the final reimbursement. They are made prior to completion of the remedial action and application for reimbursement. We do not believe partial payments affects the conclusion that responsible parties must submit a new application for work after the initial remedial action is completed and the Department has received an application for reimbursement.

Does the requirement that "reimbursement shall be made in the order in which the applications for them were received" apply

only if the reimbursements approved by the Department exceed the amount in the Fund?

We believe the priority system for reimbursements according to the order in which they were received does apply only when the reimbursements approved by the Department exceeds the money available in the Fund.

Pursuant to § 66-1523(4), the provision whereby reimbursements are prioritized according to the order in which applications are received comes into effect only when the approved reimbursements exceed the amount in the Fund. Section 66-1523(4), in pertinent part, states: "If reimbursements approved by the department exceed the amount in the fund, reimbursements shall be made in the order in which the applications for them were received by the department." Very similar language appears in the Department's rules and regulations. Title 200 NAC 2, para. 004.03 states: "If the Department approves reimbursements in excess of the amount in the fund, the department shall make reimbursements in the order in which the complete applications were stamped . . . ."

Title 200 NAC 2, para. 004, sets out the Department's procedures regarding acceptance and chronological ordering of applications. In order for an application to be considered received by the Department, the application must contain all information required by the Department. If all necessary information has been provided with the application, it is date and time stamped upon receipt. If required information is missing, the applicant must resubmit the application. The application will be date and time stamped at the time of resubmission.

The language in both the statute and the regulations condition chronological prioritization of reimbursement payments upon the Fund having an insufficient amount to pay approved applications. It therefore appears clear that the Fund's having an insufficient balance and the applications involved are all approved applications are prerequisites to beginning the process of paying reimbursements according to their order of submission.

Does the Department have any flexibility, once reimbursements approved exceed the amount in the Fund, to utilize the Fund in any manner inconsistent with subsection (4) of 66-1523?

At the outset of the third section of your opinion, you cited to the second sentence in § 66-1523(4). As that is the part of the Act which requires that reimbursements be paid in the same order in which they are submitted, we understand your question to be primarily concerned with that requirement. The Department believes the Act provides it with the authority to pay reimbursements in a method different than the order of submission under certain circumstances. We agree with the Department's interpretation of the Act.

As we understand it, the number of approved reimbursement requests grew to the point where it became clear the Fund would not have a sufficient balance and income to allow timely payment of the requests. As a result, in April, 1995, the Department sent a letter to parties responsible for petroleum releases that the Department was

temporarily suspending remediation actions as of April 28, 1995. An exception was created for those sites determined to pose imminent health or safety risks, at which work was to continue. There are approximately 700 sites where remediation was temporarily suspended, while sixty-seven sites were determined to pose sufficient risks to human health or the environment to require continuation of their remediation projects. Non-emergency sites are contacted and allowed to begin work again as funds became available.

The Department determined that the sites presenting emergency situations were to be paid at least partial payments, even though the application may not have been the next in line for payment according to its date and time stamp. The Department based its decision on a provision in the Act allowing the Department to intervene in situations when immediate remedial action is believed necessary to protect public safety or the environment. The Department interpreted the emergency provisions in the Act as providing an exception to the chronological order requirement for reimbursements in § 66-1523(4). The statute involved states:

> **Remedial actions by the department; third party claims; recovery of expenses.** (1) The department may undertake remedial actions in response to a release first reported after July 17, 1983, and on or before December 31, 1998, with money available in the fund if:
>
> (a) The responsible person cannot be identified or located;
>
> (b) An identified responsible person cannot or will not comply with the remedial action requirements; or
>
> (c) Immediate remedial action is necessary, as determined by the Director of Environmental Quality, to protect human health or the environment.

Neb. Rev. Stat. § 66-1529.02(1) (Cum. Supp. 1994) (emphasis in original).

The Department's rules and regulations, promulgated by the Environmental Quality Council, mirror the Act's provisions. Title 200 NAC 2, para. 004.03, states:

> 004.03 If the department approves reimbursements in excess of the amount in the fund, the department shall make reimbursements in the order in which the complete applications were stamped according to 004.02 of this chapter.

Virtually identical language to that in § 66-1529.02(1) appears in the Department's rules and regulations at 200 NAC 6, para. 001. That provision of the rules and regulations states, in pertinent part:

> 001 Remedial Actions. The department may undertake remedial actions in response to a release first reported after July 17, 1983, with money available in the fund, provided:
>
> 001.03 Immediate remedial action is necessary, as determined by the director of the department, to protect human health or the environment.

The Department interprets § 66-1529.02(1) as authorizing suspension of the chronological reimbursement provisions in § 66-1523(4) due to

the emergency nature of the actions. We understand the Department's position to be that, under § 66-1529.02(1), after a site has been determined to pose a danger to public safety or the environment, the Department takes constructive control over the remediation action project for the site. The same responsible party or contractor engaged in remediation efforts continues to operate the project in order to prevent loss of time and expense.

In the Department's past experiences in the area of remedial actions for petroleum releases, the Department had found many of the parties responsible for the releases, especially corporate entities, would simply go out of business and abandon the property rather than incur the costs of remediation without assistance. According to the Act's statement of purpose, set forth in § 66-1502, the Act was intended to address that very concern, among others. Section 66-1502(2) states, "{O}wners of petroleum tanks may not have the ability to assess and clean up any releases from those petroleum tanks." Section 66-1502(3) states, "It is essential in this state to encourage owners of petroleum tanks across the state to remain in business to maintain the viability of the {petroleum} distribution network."

If the Department were required to wait to undertake emergency remedial actions until the responsible parties abandoned their sites due to financial considerations, the public's health and safety and the environment would be exposed to potentially serious hazards. The Department would have to hire new contractors and develop a work plan for the remedial project. The resulting time delay would, at least in some circumstances, allow a release already determined to present a danger to human health or the environment, to intensify. Section 66-1502 (1990) explains one purpose for the Act is to address the "serious threat to the health and safety of citizens because petroleum contained in leaking storage tanks is a potential land and ground water contaminant and major fire and explosive hazard." Neb. Rev. Stat. § 66-1502(2).

The Department's interpretation harmonizes the conflict which arises from the reimbursement order required in § 66-1523(4), and the ability to take immediate action to protect human health or the environment expressed in §§ 66-1529.02 and 66-1502(2). The Nebraska Supreme Court has held that when dealing with a series of statutes on a particular subject, the statutes "may be conjunctively considered and construed to determine the intent of the Legislature so that different provisions of an act are consistent, harmonious, and sensible." **Omaha Public Power Dist. v. Nebraska Dept. of Revenue,** 248 Neb. 518, 530, (Sept. 8, 1995), citing to **Fecht v. The Bunnell Co.,** 243 Neb. 1, 497 N.W.2d 50 (1993). In this case, the Act's purpose has been provided in § 66-1502. If the requirements set out in § 66-1523(4) were read in isolation, the stated purposes and objectives of the Act could be frustrated. When construing a statute, the statute's purpose must be taken into consideration, and the statute is to be given a reasonable construction which best achieves that purpose, rather than a

construction which would defeat it. **Omaha Public Power Dist. v. Nebraska Dept. of Revenue,** 248 Neb. 518, 530 (Sept. 8, 1995).

The Nebraska Supreme Court has also held that an administrative agency's interpretation or construction of a statute over which it has enforcement authority, although not controlling, is to be given considerable weight. **McCaul v. American Savings Co.,** 213 Neb. 841, 331 N.W.2d 795 (1983), **Omaha Public Power Dist. v. Nebraska Dept. of Revenue,** 248 Neb. 518 (Sept. 8, 1995). In a similar vein, the Court has also recognized that "the method and manner of enforcing a law must of necessity be left to the reasonable discretion of administrative officers." **Bartlett v. State Real Estate Comm'n,** 188 Neb. 828, 831, 199 N.W.2d 709, 712 (1972).

Although we agree with the Department's interpretation and believe it is a reasonable reading of the statutes, necessary to harmonize the discrepancy between § 66-1523(4) and 200 NAC 2, para. 004.03, and the provisions in § 66-1529.02(1) and 200 NAC 6, para. 001, it is not clear how this matter would be resolved by the courts if litigation were instituted in this matter. This discrepancy is an area which the Legislature may want to address in order to clarify the Act's provisions.

4) Does the State have any responsibility for damages incurred by either the responsible parties or third parties for the discontinuation of continued remedial action with respect to contaminated sites?

The temporary suspension of remedial work projects may present the potential for State liability for damages incurred due to petroleum leaks. The potential for liability may not be much greater than that presented simply by the State's involvement in the remedial action area through the Act. If a responsible party or a third party could provide sufficient evidence to show the State had acted negligently, however, the State may potentially face liability for such actions or inactions. Anticipating the outcome in this area is difficult due to the myriad of possibilities which could be imagined.

We believe it is important to consider that the Fund provides reimbursement for remedial activities, and only those third-party claims where the responsible party cannot or will not pay the third-party claim. **See** Neb. Rev. Stat. § 66-1529.02(2) (Cum. Supp. 1994). The parties who own the leaking petroleum tanks are the owners or operators of the tanks and the property on which they are located. We see no reason to believe that primary liability for activities occurring on the property would not remain with those responsible parties. Also, as was pointed out in the Department's letter to responsible parties (a copy of which you provided with your opinion request), responsible parties are free to continue their remediation activities, with the understanding that the costs incurred after April 28, 1995, will not be eligible for reimbursement.

The possibility for the State incurring liability may increase with the prioritization of certain sites as constituting threats to public health or the environment. If activity is suspended at a site later determined to have posed a danger to public health, it is possible a responsible party

or third party could attempt to hold the State liable for failure to declare the site as posing such a risk and making the site a priority for reimbursement.

However, in attempting to assess the situation, it should be remembered that the Department bases its decision regarding emergency situations on the information available to it. The Department's decisions are based primarily on the information provided to the Department in the responsible parties' initial work plan, research, and investigation reports. The owner or operator or his or her contractor is responsible for conducting a thorough investigation so as to provide the Department with the necessary facts on which to base an informed decision.

[1] Paragraph three of the opinion request contains three questions, which we will address separately, in consecutive order.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-05-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95085

DATE: November 8, 1995

SUBJECT: Constitutionality of Legislation Authorizing Slot Machines or Other Electronic Gaming Devices as "Lotteries" Whose Proceeds are Used for Community Betterment Purposes

REQUESTED BY: Senator LaVon Crosby
Nebraska State Legislature

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

You have requested our opinion regarding the constitutionality of legislation which would authorize slot machines or other electronic gaming devices. During the last legislative session, you sought our opinion as to the constitutionality of two bills proposing to authorize the use of such devices. LB 765 proposed to permit counties, cities, villages or licensed racetrack organizations to conduct "electronic lotteries" using "electronic gaming devices" if approved by local voters. Revenues generated from such "electronic lotteries" would be required to be used for "community betterment purposes" as defined in the bill.

LB 851 proposed to authorize counties, cities, villages or licensed racetrack organizations to conduct "lotteries" through the use of "lottery terminals" which were defined as: (1) For racetracks, "electronic or computerized gaming device{s} by which winners receive cash or credits redeemable for cash and the selection of winners is predicated on the basis of chance"; or (2) For other licensed premises, "electronic or computerized video gaming device{s} which award{ } tickets or stubs redeemable for something of value and the selection of winners is predicated on the basis of chance". Such lotteries could be conducted only after receiving approval from local voters. Also, revenues generated from such "lotteries" would be required to be used for "community betterment purposes" as defined in the bill.

Neither LB 765 nor LB 851 were enacted into law last session. Because of the potential that these bills, or other legislation seeking to authorize expanded gambling of this type, may again be introduced, you have asked us to consider the constitutionality of legislation which proposes to authorize the use of "slot machines" or other forms of "electronic gaming devices" as "lotteries" whose proceeds are used for "community betterment purposes" under Neb. Const. art. III, § 24.[1]

For the reasons outlined below, it is our conclusion that the Legislature may not enact legislation to permit the use of "slot machines" or other forms of "electronic gaming devices" under the constitutional grant permitting the Legislature to authorize "lotteries, raffles, and gift enterprises. . .the proceeds of which are to be used solely for charitable or community betterment purposes. . . ." Under Article III, § 24, the Legislature is precluded from authorizing "any game of chance or any lottery or gift enterprise" except as provided in the Constitution. In our opinion, "slot machines" or other forms of "electronic gaming devices" fall within the category of "games of chance" prohibited by the Constitution, and not "lotteries" which the Legislature may sanction under its authority to permit "lotteries, raffles, and gift enterprises" whose proceeds are used for charitable or community betterment purposes. Accordingly, "slot machines" or other "electronic gaming devices" may not be authorized by the Legislature for these purposes absent an amendment to the Nebraska Constitution.

I. Nebraska Constitutional and Statutory Provisions Relating to Games of Chance and Lotteries.

A. Constitutional Provisions.

The first State Constitution adopted in 1866 provided that "{t}he Legislature shall never authorize any lottery or grant any divorce." Neb. Const. of 1866 art. II, § 22. Subsequently, the Constitution of 1875 was adopted, which included a provision that "{t}he legislature shall not authorize any games of chance, lottery, or gift enterprise under any pretense or for any purpose whatever." Neb. Const. of 1875 art. III, § 21. This prohibition remained unchanged until 1934 when an amendment was approved to allow the enactment of laws permitting the licensing and regulation of parimutuel wagering on horse races when conducted within licensed racetrack enclosures. Neb. Const. art. III, § 24 (Comp. Stat. 1934). In 1958, an amendment was approved

allowing laws providing for the licensing and regulation of bingo games conducted by non-profit associations in existence for a period of five years. Neb. Const. art. III, § 24 (Cum. Supp. 1959). A 1962 amendment added language providing that no game of chance, lottery, or gift enterprise was authorized "where the consideration for a chance to participate involve{d} the payment of money for the purchase of property, services, chance or admission ticket, or require{d} an expenditure of substantial effort or time." Neb. Const. art. III, § 24 (Cum. Supp. 1963).

In 1968, an amendment to art. III, § 24, was approved to allow the Legislature to enact laws to authorize and regulate "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." Neb. Const. art. III, § 24 (Cum. Supp. 1969). A 1988 amendment authorized parimutuel wagering on the results of horse races "wherever run either within or outside of the state. . . ."

Finally, in 1992, the Constitution was amended to permit the Legislature to authorize a state lottery. Article III, § 24, currently provides, in pertinent part, as follows:

> (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 or 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.

B. Statutes.

Consistent with the long-standing constitutional prohibition against gambling, Nebraska's criminal statutes have historically barred gambling activities. Early in the State's history, statutes were enacted which imposed criminal sanctions for various gaming activities, including: (1) playing games for money or wagering or betting (Gen. Stat. § 214 (1873)); (2) keeping gaming devices or machines (Gen. Stat. § 215 (1873)); (3) permitting gaming on private premises (Gen. Stat. § 216 (1873)); (4) permitting gaming in public places (Gen. Stat. § 217 (1873)); (5) keeping a "gambling room" (Gen. Stat. § 218 (1873)); or (6) being a "common gambler" (Gen. Stat. § 219 (1873)). In addition, statutes imposing criminal penalties for engaging in lottery-related activities were adopted, including: (1) making "any lottery or scheme of chance" (Gen. Stat. § 224 (1873)); (2) selling lottery tickets (Gen. Stat. § 225 (1873)); and (3) advertising any "lottery, or scheme of chance" (Gen. Stat. § 226 (1873)). These

statutes, separately recognizing offenses related to "gaming" or "games of chance" and "lotteries", remained relatively unchanged for many years. **See** Comp. Stat. § 9799 to 9805 ("gaming") and 9818 to 9820 ("lotteries") (1922); Neb. Rev. Stat. § 28-941 to -947 ("gaming" or "games of chance") and 28-961 to -963 ("lotteries") (1943).

As the Constitution was amended to create exceptions to the ban on all "games of chance, lotteries, or gift enterprises", Nebraska's statutory provisions relating to gambling were modified. In addition to earlier legislation authorizing parimutuel wagering on horse races when conducted within racetrack enclosures, and the conduct of bingo by certain non-profit corporations, the Legislature, in 1969, enacted statutes to implement the constitutional amendment permitting "lotteries, raffles, and gift enterprises" whose proceeds were used solely for charitable or community betterment purposes. 1969 Neb. Laws, LB 691 (**codified at** Neb. Rev. Stat. § 28-964.01 to -964.05 (Cum. Supp. 1969)). Counties, cities, and villages were authorized to establish and conduct lotteries when the proceeds were used solely for community betterment purposes, after approval by a majority of voters. Neb. Rev. Stat. § 28-964.04 (Cum. Supp. 1969).

In 1977, Nebraska's criminal statutes were substantially revised and replaced with the enactment of the Nebraska Criminal Code. 1977 Neb. Laws, LB 38. Various criminal offenses relating to gambling activity were defined, including promoting gambling, possession of gambling records, and possession of gambling devices. 1977 Neb. Laws, LB 38, § 218 to 221, 223 (**codified at** Neb. Rev. Stat. § 28-1102 to -1105, 1107 (Supp. 1977)). "Gambling device" was defined as "any device, machine, paraphernalia, writing, paper, instrument, article, or equipment. . .used or usable for engaging in gambling,. . . ." "Lottery tickets and other items" used in the playing of legal gaming activities (parimutuel wagering, bingo, or lotteries, raffles, or gift enterprises conducted for charitable or community betterment purposes) were excluded from the definition of "gambling device". LB 38, § 217. "Lottery" was defined to "mean a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, once or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value." **Id.**

The definition of "gambling device" remained relatively unaltered until 1984, when it was amended to provide that "{g}ambling device shall also include any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes, except as authorized in the furtherance of parimutuel wagering." 1984 Neb. Laws, LB 744, § 1 (**codified at** Neb. Rev. Stat. § 28-1101(5) (Cum. Supp. 1984)). The definition of "lottery" in § 28-1101(6) was

also amended to provide that it did "not include any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding monetary prizes, free games redeemable for monetary prizes, or tickets or stubs redeemable for monetary prizes." Neb. Rev. Stat. § 28-1101(6) (Cum. Supp. 1984). Counties, cities, or villages conducting lotteries using mechanical, computer, electronic, or video gaming devices on the effective date of LB 744 were permitted to continue doing so until January 1, 1985. LB 744, § 2. In 1986, with the adoption of the Nebraska City and County Lottery Act, the definition of "lottery" in § 28-1101 was eliminated, and a definition of "lottery" was included as part of the City and County Lottery Act. 1986 Neb. Laws, LB 1027, § 178 and 192. The definition of "lottery" under the County and City Lottery Act was amended in 1989 to include keno as a permissible lottery. 1989 Neb. Laws, LB 767, § 53.[2]

Presently, "gambling device" is defined to "mean any device, machine, paraphernalia, writing, paper, instrument, article, or equipment that is used or usable for engaging in gambling,. . . ." Neb. Rev. Stat. § 28-1101(5) (Supp. 1995). "Gambling device" specifically includes "any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value,. . . ." **Id.** The definition of "gambling device" excludes "{s}upplies, equipment, cards, tickets, stubs, and other items used in any bingo, lottery by the sale of pickle cards, or other lottery, raffle, or gift enterprise conducted" under statutes authorizing lawful gaming activities. **Id.**

The term "lottery" is defined under various statutes pertaining to permissible forms of lotteries, including the Nebraska Lottery and Raffle Act, Neb. Rev. Stat. §§ 9-401 to -437 (1991, Cum. Supp. 1994 and Supp. 1995), the Nebraska Small Lottery and Raffle Act, Neb. Rev. Stat. §§ 9-501 to -513 (1991, Cum. Supp. 1994 and Supp. 1995), the Nebraska County and City Lottery Act, Neb. Rev. Stat. §§ 9-601 to -653 (1991, Cum. Supp. 1994 and Supp. 1995), and the State Lottery Act, Neb. Rev. Stat. §§ 9-801 to -841 (Cum. Supp. 1994 and Supp. 1995).[3] Under the Nebraska Lottery and Raffle Act, "lottery" is defined to "mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, and (c) winners are determined by a random drawing of the tickets." Neb. Rev. Stat. § 9-411(1) (Cum. Supp. 1994). "Lottery" under the Nebraska Small Lottery and Raffle Act is defined to "mean a gambling scheme in which (a) participants agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, (c) the winners are to be determined by a random drawing of the tickets, and (d) the holders of the winning tickets are to receive something of value." Neb. Rev. Stat. § 9-507 (Cum. Supp. 1994). The term "lottery" under the Nebraska County and City Lottery Act means "a gambling scheme in which: (a) The players pay or agree to pay something of

value for an opportunity to win; (b) Winning opportunities are represented by tickets;. . .", and winners are determined either "{b}y a random drawing of tickets differentiated by sequential enumeration from a receptacle by hand whereby each ticket has an equal chance of being chosen", or "{b}y use of a game known as keno. . . ." Neb. Rev. Stat. § 9-607(1) (Cum. Supp. 1994). "Lottery", for purposes of the State Lottery Act, is defined as a variation of either an "instant-win game" or an "on-line lottery game". Neb. Rev. Stat. § 9-803(4) (Supp. 1995). The definitions of "lottery" under the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, and the Nebraska County and City Lottery Act, specifically provide that "lottery" shall not include any mechanical, computer, electronic, or video gaming devices "which ha{ve} the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value." Neb. Rev. Stat. §§ 9-411(2), 9-507(2), and 9-607(2)(a) (Cum. Supp. 1994). The State Lottery Act provides that "{l}ottery game shall not be construed to mean video lottery game." Neb. Rev. Stat. § 9-803(4)(b) (Supp. 1995).[4]

II. Nebraska Case Law Addressing "Lotteries" and "Games of Chance".

"Article III, § 24, prohibits all games of chance and lotteries except as otherwise provided by law." **City of Ralston v. Balka,** 247 Neb. 773, 777, 530 N.W.2d 594, 598 (1995). On various occasions, the Nebraska Supreme Court has addressed whether certain activities constitute "lotteries" or "games of chance".

A. Lotteries - Schemes Involving Prize, Chance and Consideration.

In **State ex rel. Prout v. Nebraska Home Co.,** 66 Neb. 349, 92 N.W. 763 (1902), the Court considered whether a scheme whereby the company entered into contracts to assist persons in the purchase and payment of a home, who agreed to make certain payments to the company to be placed in a home fund, constituted an impermissible "lottery". Preference in the distribution of the fund was given to those holding contracts with the lowest serial numbers. The Court stated that, "{t}o constitute a lottery, there must be a prize offered, and the payment of something for a chance to obtain it." **Id.** at 372, 92 N.W. at 764. The Court held that the scheme was an illegal "lottery", as the preference provided to holders of the lower numbers in the distribution of the fund was a "prize", which constituted "something of value", and the element of chance was involved in the numbering of the contracts. **Id.** at 372-74, 92 N.W. at 764-65. The Court, in the syllabus accompanying its opinion, stated:

> A scheme whereby a common fund is to be produced by the contributions of various parties, and afterwards distributed among the parties contributing thereto, and a valuable preference or privilege in the distribution thereof is made to depend upon chance, is a lottery, within the meaning of out statute prohibiting lotteries.

Id. at 349, 92 N.W. at 763.

In **State ex rel. Sorenson v. Ak-Sar-Ben Exposition Co.,** 118 Neb. 851, 226 N.W. 705 (1929), the issue was whether legislation authorizing the distribution of prizes or stakes resulting from horse races permitted parimutuel wagering on horse race contests. The Court held that "the funds to be raised and distributed for prizes or stakes are intended as rewards for the owners of horses that win and not for the winners of bets on the races." **Id.** at 857, 226 N.W. at 707. To interpret the statute otherwise, the Court reasoned, would render it unconstitutional, as parimutuel wagering contained "every element of a criminal lottery--consideration, chance, price, {and} means of disbursement." **Id.** at 860, 226 N.W. at 709. The Court further stated:

> When betting and gambling are conducted in the form, substance and livery of a criminal lottery they are unlawful and those who conduct them are amenable to the statute forbidding and penalizing lotteries. Neither the Legislature not the state racing commission had power to authorize defendant to operate a lottery in the guise of betting and gambling, or in any other form.

Id. at 861, 226 N.W. at 709.[5]

On several occasions, the Court has addressed whether certain business promotional schemes were prohibited lotteries. **State ex rel. Hunter v. Fox Beatrice Theatre Corp.,** 133 Neb. 392, 275 N.W. 605 (1937) ("Bank Night" involving drawing for prize operated by movie theaters); **State ex rel. Hunter v. Omaha Motion Picture Exhibitors Ass'n,** 139 Neb. 312, 297 N.W. 547 (1941) ("Prosperity Club" involving prize drawing conducted by movie theaters); **State ex rel. Line v. Grant,** 162 Neb. 210, 75 N.W.2d 611 (1956) (Chance prize drawing conducted by car dealer).[6] In each case, the Court noted that, in order for a scheme to constitute a lottery, it must contain three elements: (1) prize; (2) chance; and (3) consideration. **State ex rel. Hunter v. Fox Beatrice Theatre Corp.,** 133 Neb. at 395, 275 N.W. at 606; **State ex rel. Hunter v. Omaha Motion Picture Exhibitors Ass'n,** 139 Neb. at 314, 297 N.W. at 548; **State ex rel. Line v. Grant,** 162 Neb. at 211, 75 N.W.2d at 612.

More recently, the Court has, on two occasions, addressed the validity of certain gaming activities as "lotteries" under statutory definitions adopted by the Legislature. The first of these cases, **CONtact, Inc. v. State,** 212 Neb. 584, 324 N.W.2d 804 (1982), was a declaratory judgment action seeking a determination that the sale of "pickle cards" for fundraising by a nonprofit corporation was a permissible form of "lottery" under Neb. Rev. Stat. §§ 28-1101(6) and 28-1115 (1979). "Lottery" was defined as "a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value." **Id.** at 585-86, 324 N.W.2d at 805. The State contended that the sale of pickle cards by nonprofit organizations

did not fall within this definition of "lottery" because, as the number of winners was predetermined, the potential for fraudulent manipulation was great, and the game therefore did not possess the requisite element of chance. The State also argued that the statutes permitted only lotteries having a drawing after all tickets had been sold, in which the winner was determined by the drawing itself. **Id.** at 587, 324 N.W.2d at 805-06.

The Court in **CONtact, Inc.** noted that the statute defining "lottery" was "a codification of earlier case law", and contained the "basic elements" of "(1) consideration, (2) prize, and (3) chance." **Id.** at 587, 324 N.W.2d at 806. It saw the issue as "simply one of statutory construction." **Id.** Finding that the statutory language was "unambiguous", the Court rejected the contention that only lotteries consisting of drawings after the sale of all tickets were permissible, stating:

> Section 28-1101(6) requires one or more chances to be designated the winning ones. The statute make no time reference as to when the designation is to take place, but merely states that "the winning chances are to be determined by a drawing or by some other method based on an element of chance." The statute requires designation of the winner only by "chance" or by a drawing.

Id. at 587-88, 324 N.W.2d at 806.

The Court further found that the pickle card scheme satisfied the "chance" requirement, stating: "The drawing of the cards from a tub provides the element of 'chance' required by statute. The fact that the winning numbers are predetermined does not eliminate 'chance.'" **Id.** at 592, 324 N.W.2d at 808. It therefore held "that the sale of pickle cards is a lottery and thus permitted by §§ 28-1101(6) and 28-1115." **Id.**

The second case, **Video Consultants of Nebraska, Inc. v. Douglas,** 219 Neb. 868, 367 N.W.2d 697 (1985), involved the "question whether an electronic gaming machine, such as a video computer, is a form of lottery permitted under statutes enacted by the Nebraska Legislature in 1983 relative to gambling." **Id.** at 868-69, 367 N.W.2d at 698.[7] Video Consultants, and IGT Nebraska, Inc., each provided video lottery equipment to the City of Bellevue. The video lottery equipment was stipulated to consist of

> computer-based video machines which {were} activated by a participant inserting one or more coins. The machine {was} equipped with an eighty-number pad from which the participant {could} select from one to ten numbers. Upon selection of his numbers, the participant activate{d} the machine which select{ed}, purely at random, twenty (20) numbers from the total base of eighty (80) numbers. The participant's winnings, if any, {were} determined by matching the numbers selected by the participant with the random numbers selected by the machine.

Id. at 870, 367 N.W.2d at 699.

At issue in **Video Consultants** was whether the "video lottery" fell within the definition of "lottery" in Neb. Rev. Stat. § 28-1101(6)

(Supp. 1983), and whether the "video lottery equipment" was a "gambling device" prohibited under Neb. Rev. Stat. § 28-1101(5) (Supp. 1983). The State "conced{ed} that the activity produced by the video gaming device {was} a lottery,. . . ." 219 Neb. at 873, 367 N.W.2d at 700. It argued that the video lottery was an illegal gambling device under the statute, however, because the machines did not fall within the statutory exemption for nongambling devices The State also asserted that the sale of a ticket was a necessary part of the "playing phase" of a lottery under the statute, and that the ticket given by the machines was actually a receipt or evidence of winning, and not a ticket. **Id.**

As to the contention that the machines were illegal "gambling devices" because they did not fall within the statutory exemption for nongambling devices, the Court stated:

> Obviously, video and electronic machines are being used in production of a lottery. In its regulation of gambling, had the Legislature intended to exclude a machine, especially an electronic or video gaming device, as an object proscribed in a permissible lottery, such exclusion was not an impossible statutory feat. Yet, the Legislature employed unrestrictive, generic terms in describing the means to conduct a permissible lottery so that any article or any method was available in the 'playing phase' of a legal lottery. This court cannot now insert into the statute an exclusion or restriction which the Legislature might have included when enacting § 28-1101(5) and (6) in 1983. We cannot assume that the Legislature intended to exclude electronic gaming devices from "other items used in the playing phases" of a lottery authorized by statute. . . .
>
> * * *
>
> We conclude that the electronic gaming devices involved in this case are not "gambling devices" as such phrase and description are used in § 28-1101(5).

Id. at 873-74, 367 N.W.2d at 701.

As to the State's contention that a ticket was an essential part of a lottery as defined in § 28-1101(6), the Court determined that it could not "rewrite" the statutes to require that purchase of a ticket be the only method of satisfying the chance element, finding that "{p}urchase of a ticket is not the only means of participating in a lottery otherwise permissible under Nebraska's gambling statutes." **Id.** at 874, 367 N.W.2d at 701.

B. Games of Chance - Games Whose Outcome Depends Predominantly on Luck or Chance, Rather than the Skill of the Player.

In **Baedaro v. Caldwell,** 156 Neb. 489, 56 N.W.2d 706 (1953), the Court considered whether a five-ball pinball machine capable of awarding free replays constituted a "game of chance" barred under art. III, § 24, as well as an illegal "gambling device" prohibited by Neb. Rev. Stat. § 28-945. Discussing the test for determining whether a game constituted a "game of chance", the Court stated:

> The test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game. . . .
>
> A game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or the device or apparatus with which it is played, but not under the control of the player.

Id. at 493-94, 56 N.W.2d at 709.

While noting that some element of skill may be involved in the playing of a pinball machine, the Court found that the element of chance was the dominant factor in determining the result of the game. Stating that "Article III, section 24, of the Constitution is clear, explicit, and unambiguous that the Legislature shall not authorize any game of chance", and that § 28-945 "conforms to the constitutional provision in banning any game of chance in this state", the Court concluded the pinball machine was a prohibited "game of chance", as well as an illegal "gambling device". **Id.** at 494, 497, 56 N.W.2d at 710-11.

Indoor Recreation Enterprises, Inc. v. Douglas, 194 Neb. 715, 235 N.W.2d 398 (1975), was an action seeking a judgment declaring that poker, bridge, chess and checkers were games of skill, and that the playing of such games or operation of a place where such games were played did not violate the State's gambling laws. In deciding the issue, the Court relied on the "dominant factor" test for distinguishing between games of skill and games of chance employed in **Baedaro v. Caldwell,** which requires that "{t}he test of the character of the game is not whether it contains an element of chance or an element of skill, but which of these is the dominating element that determines the result of the game." 194 Neb. at 716-17, 235 N.W.2d at 400 (*quoting* **Baedaro v. Caldwell,** 156 Neb. 489, 56 N.W.2d 705 (1953). The Supreme Court affirmed the lower court's determination that the games at issue were prohibited games of chance, noting that "the predominant purpose of the games in issue was chance." 194 Neb. at 719, 235 N.W.2d at 401.

Finally, in **State ex rel. Spire v. Strawberries, Inc.,** 239 Neb. 1, 473 N.W.2d 428 (1991), the Court considered whether certain video gambling devices, authorized by a 1987 statute excluding mechanical, computer, electronic, or video gaming devices capable of awarding free games from the definition of "gambling device" under § 28-1107(2) (1989), were legal. The devices in question allowed the play of various games, including video poker, blackjack, and dice. **Id.** at 4, 473 N.W.2d at 432. The Attorney General argued that the statute purporting to authorize such devices violated the prohibition in art. III, § 24, against the Legislature's authorization of "games of chance."

In addressing the constitutionality of the statute, the Court stated that the "constitutional provision (art. III, § 24) has remained relatively unchanged since 1875", and, "{c}orrespondingly, the statute relating to the 'possession of gambling devices' enacted pursuant to {the}

constitutional provision {had} also remained relatively unchanged for 100 years." **Id.** at 6, 473 N.W.2d at 433. Discussing the scope of the prohibition against "games of chance" in the Constitution, the Court stated:

> Neb. Const. art. III, § 24, is in clear and unambiguous language and can be divided into three elements: (1) chance: "{t}he Legislature shall not authorize any game of chance"; (2) consideration: "when the consideration for a chance to participate involves the payment of money"; and (3) prize: "for the purchase of property {or} services."
>
> In defining these elements, this court has held that a game of chance is one in which the result as to success or failure depends less on the skill and experience of the player than on purely fortuitous or accidental circumstances incidental to the game or the manner of playing it or on the device or apparatus with which it is played. **Indoor Recreation Enterprises, Inc. v. Douglas,** 194 Neb. 715, 235 N.W.2d 398 (1975). See, also, **CONtact, Inc. v. State,** 212 Neb. 584, 324 N.W.2d 804 (1982) (a game of chance is one in which the winner is determined by mere luck and not by skill; the predominant nature of the game, i.e., skill or chance, determines its classification). Free replays are things of value and when obtained on a gambling device constitute property within the meaning of Neb. Const. art. III, § 24. **Baedaro v. Caldwell,** 156 Neb. 489, 56 N.W.2d 706 (1953).

239 Neb. at 7, 473 N.W.2d at 434.

Applying the test for determining if a game constitutes a prohibited "game of chance", the Court determined the statute purporting to authorize the video gaming devices was unconstitutional, stating:

> Section 28-1107(2) attempts to exempt devices which would normally fall under the "games of chance" prohibition by redefining them. Subsection (2) provides that subsection (1) shall not apply to games used for amusement only and also attempts to exclude free replays from being considered as property under the "prize" element. Neb. Const. art. III, § 24, is clear. The court has already ruled that free replays on a device otherwise considered a gambling device constitute property within the meaning of the prohibition.
>
> The Legislature cannot avoid constitutional provisions by statutorily redefining constitutionally unacceptable activity. The Legislature's power of definition may not be employed to nullify or circumvent the provisions of the Nebraska Constitution. **MAPCO Ammonia Pipeline v. State Bd. of Equal.,** 238 Neb. 565, 471 N.W.2d 734 (1991). To redefine the activity that the Legislature seeks to permit would require an amendment to this state's Constitution. Absent such an amendment, § 28-1107(2) is unconstitutional for being in contravention of the express provision of Neb. Const. art. III, § 24.

239 Neb. at 8, 473 N.W.2d at 434.

III. "Slot Machines" and Electronic Gaming Devices - Permissible "Lotteries" or Prohibited "Games of Chance"?

Article III, § 24, provides, in part:

(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 or the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time. (emphasis added).

Under subsection (2) of art. III, § 24, "{t}he Legislature may authorize and regulate a state lottery. . .and other lotteries, raffles, and gift enterprises. . .the proceeds of which are to be used solely for charitable or community betterment purposes. . . ." (emphasis added).

The issue raised by your request is whether slot machines or other electronic gaming devices may be authorized by the Legislature as "lotteries" whose proceeds are used for community betterment purposes.

Initially, resolution of this issue would seem to be a simple matter. As noted previously, the Nebraska Supreme Court has held on several occasions that, in order for a scheme to constitute a "lottery", it must contain three elements: (1) prize; (2) chance; and (3) consideration. **CONtact, Inc. v. State,** 212 Neb. 584, 324 N.W.2d 804 (1982); **State ex rel. Line v. Grant,** 162 Neb. 210, 75 N.W.2d 611 (1956). In **Video Consultants of Nebraska, Inc. v. Douglas,** 219 Neb. 868, 367 N.W.2d 697 (1985), the Court held that a "video lottery" constituted a permissible "lottery" as that term was defined by statute, and that the video and electronic machines used to conduct the lottery did not fall within the statutory definition of unlawful "gambling devices". Under this broad definition of "lottery", "slot machines" have been found to be "lotteries". **E.g., State v. Village of Garden City,** 74 Idaho 513, 265 P.2d 328 (1953); **State v. Marck,** 124 Mont. 178, 220 P.2d 1017 (1950); **see** Annot., 101 A.L.R. 1126 (1936); 38 Am.Jur.2d Gambling § 71 (1969).

We do not, however, believe that application of this broad definition of lottery results in a proper construction of that term as it is used in that portion art. III, § 24, permitting the Legislature to authorize "lotteries, raffles, and gift enterprises" whose proceeds are used for community betterment purposes. We reach this conclusion for two reasons.

First, while the Nebraska Supreme Court has employed the broad definition of lottery as any scheme involving the three elements of prize, chance, and consideration in a number of cases, it has done so in the context of applying statutory definitions of "lottery" to particular activities. Most significantly, **Video Consultants of Nebraska, Inc. v. State** involved only issues of whether the video gaming activities at issue constituted a "lottery" or involved use of unlawful "gaming devices" as those terms were defined by the Legislature; no issue was raised as to whether the video gaming activity was a permissible form of "lottery" under the Constitution.[8]

Second, application of the broad definition of lottery fails to give proper consideration to the constitutional prohibition against the

Legislature's authorization of "any game of chance". The Nebraska Supreme Court has, of course, held that various forms of gambling constitute "games of chance" prohibited under art. III, § 24. **State ex rel. Spire v. Strawberries, Inc.,** 239 Neb. 1, 473 N.W.2d 428 (1991) (video poker, blackjack, and dice devices); **Indoor Recreation Enterprises, Inv. v. Douglas,** 194 Neb. 715, 235 N.W.2d 398 (1975) (card games, including poker); and **Baedaro v. Caldwell,** 156 Neb. 489, 56 N.W.2d 706 (1953) (pinball machine). "Slot machines" have often been held to constitute "games of chance". **E.g., State v. Busch,** 59 R.I. 382, 195 A. 487 (1937); **Territory v. Jones,** 14 N.M. 579, 99 P. 338 (1908); **see** Annot., 135 A.L.R. 104, 138-41 (1941); 38 Am.Jur.2d Gambling § 88 (1969).

Thus, as we see it, the crucial issue is whether "slot machines" or other electronic gaming devices are forms of "lotteries" which the Legislature may authorize for community betterment purposes under art. III, § 24, or whether "slot machines" or other electronic gaming devices are "games of chance" which the Legislature is prohibited from authorizing under art. III, § 24.[9] The Nebraska Supreme Court has not been required to address this issue.

While our Supreme Court has not been called upon to address an issue of this nature, the Supreme Court of South Dakota, in **Poppen v. Walker,** 520 N.W.2d 238 (1994) recently addressed a similar question. At issue in **Poppen** was whether "video lottery" was a permissible form of "lottery" under an amendment to the South Dakota Constitution authorizing a "state lottery", or whether it was a "game of chance" prohibited under the Constitution. **Id.** at 240-41.

Article III, § 25, of the South Dakota Constitution, adopted in 1889, provided: "The legislature shall not authorize any game of chance, lottery, or gift enterprise, under any pretense, or for any purpose whatever." In 1970, an amendment to this provision was approved authorizing the legislature to allow veterans, charitable, educational, religious, fraternal, other specified organizations to conduct games of chance for public purposes. In 1982, a proposed amendment to this constitutional provision which would have allowed the legislature to authorize games of chance "or coin operated gaming machines, bingo, lotteries, and card games", was rejected by South Dakota voters. Later, in 1986, the electorate approved an amendment to art. III, § 25, permitting the legislature to authorize a "state lottery". 520 N.W.2d at 240. After adoption of the 1986 amendment, the South Dakota Legislature, in 1987, enacted statutes creating an instant "scratch and match" lottery game. In 1989, legislation authorizing "video lottery" was enacted in South Dakota. The "video lottery" consisted of electronic devices which permitted the play of varieties of the games of poker, blackjack, bingo, and keno. **Id.** at 240-41.

Initially, the Court in **Poppen** noted that the term "lottery", which was not defined in the Constitution, was ambiguous, and susceptible of two meanings. Analyzing various dictionary definitions of the term, the Court noted that, "in its usual sense the dictionary definition of the term 'lottery' appears to contemplate the sale of tokens or tickets and a

drawing for prize,. . . ." **Id.** at 242. It further noted, however, that "some subsensal definitions {of lottery} appear to be broader in scope to include any event whose outcome is dependent on chance." **Id.** (footnote omitted). In this context, it recognized the broad definition of "lottery" which had evolved in the organic law as "any plan or scheme which has three essential elements: 1) a prize, 2) the element of chance, and 3) consideration paid for the opportunity of winning the prize." **Id.** at 243. Because the term "lottery" has more than one meaning, the South Dakota Court found it was necessary to construe its meaning in the context of the 1986 amendment. **Id.**

The Court proceeded to analyze the nature of South Dakota's original constitutional provision, which, like Nebraska's, contained a prohibition against any "game of chance, lottery, or gift enterprise." In this regard, the Court stated:

> Original state constitutional provisions prohibiting lotteries varied in language. Most either prohibited lotteries outright or prohibited the legislature from authorizing them. Others prohibited "gift enterprises" as well as lotteries. A few, including South Dakota, prohibited any "game of chance, lottery, or gift enterprise." None of the constitutional provisions cited define the term "lottery."
>
> Most states have enacted statutes prohibiting lotteries and other forms of gambling, either pursuant to self-executing constitutional mandates or under the general police power, or both. 28 Am.Jur.2d **Gambling,** § 57 (1968). Under the constitutional mandates and statutes prohibiting lotteries as a matter of public policy, the courts developed a broad definition of the term "lottery" in order to dissuade all sorts of ingenious attempts to circumvent the prohibition. Absent any statutory definition, courts generally hold that any enterprise, whether it be a plan, scheme, or other artifice, is a "lottery" if the three elements of chance, prize and consideration are present. This broad definition is used especially when the issue is whether a scheme, plan or device falls under a constitutional provision in which the only prohibition is against a lottery.
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> * * *
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> As opposed to those constitutional provisions which prohibit only lotteries, our constitution prohibits the legislature from authorizing three items: games of chance, lotteries, and gift enterprises.
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> * * *
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> When a constitution prohibits both games of chance and lotteries, the question arises as to the distinction between the two terms. When both terms are used, the term "lottery" has a narrower meaning in that it is a special form of game of chance. **Contact, Inc. v. State,** 212 Neb. 584, 324 N.W.2d 804 (1982). It is the term "game of chance" which has a broad generic meaning.

520 N.W.2d at 243-44 (footnotes omitted) (emphasis added).

The Court continued by defining "game of chance" as follows:

> A game of chance is one which the result as to success or failure depends less on the skill and experience of the player than on a purely fortuitous circumstance incidental to the game, or the manner

> of playing it, or the device or apparatus with which it is played. **Baedaro v. Caldwell,** 156 Neb. 489, 56 N.W.2d 706, 709 (1953). It is a contest wherein chance predominates over skill. **Bayer v. Johnson,** 349 N.W.2d 447, 449 (S.D. 1984). The test is whether chance is the determining element in the outcome of the game. **Stubbs v. Dick,** 89 N.E.2d 480, 482 (Ohio, 1949). The three elements of prize, chance, and consideration are present in a game of chance. **Automatic Music and Vending v. Liquor,** 426 Mich. 452, 396 N.W.2d 204 (1986). It is an encompassing definition which includes most forms of gaming. . . .

520 N.W.2d at 244-45 (emphasis added).

Based on this analysis, the South Dakota Court

> conclude{d} that by separately stating the terms "game of chance" and "lottery," the framers of the original provision intended the term "game of chance" to be broad in scope, including most forms of gaming, and the term "lottery" in the narrower sense contemplating the sale of tokens or tickets to large numbers of people for the chance to share in the distribution of prizes for the purpose of raising public revenue.

Id. at 245.

The **Poppen** Court then undertook an analysis of the circumstances surrounding the 1986 amendment to South Dakota's Constitution authorizing a "state lottery". It began by noting that the Legislature, after the 1970 amendment permitting the authorization of "games of chance" conducted by veterans, charitable, and other organizations, allowed only bingo and lotteries consisting of the sale of tickets and a drawing for prizes. **Id.** at 245. The Court stated that, "{b}y restricting the forms of 'games of chance' authorized,. . ., it {was} clear that the legislature did not intend to authorize 'games of chance' which might take the form of slot machines, card games, roulette, craps, and other games which would fall within the broad definition of 'games of chance' or 'lottery.' " **Id.** at 245-56.

The Court also noted the defeat in 1982 of the proposed amendment to allow "wagering on coin-operated gaming machines", as well as "bingo, lotteries, and card games", and the rejection of specific language authorizing "video poker" in the 1986 proposal submitted to the voters, as evidence of a distinction between gaming activities involving such devices and "lotteries". **Id.** at 246. It also emphasized that, after adoption of the 1986 amendment approving a state lottery, only a "scratch and match" ticket lottery was adopted by the Legislature, and that this form of lottery, along with so-called "on-line lotteries", were the predominant forms of state-sanctioned lotteries in operation at that time. **Id.** at 246-47.[10] Stating that "if possible, we must endeavor to construe the term 'lottery' in the amendment in the same sense as in the original provision", the Court

> conclude{d} from the applicable rules of construction, the modern dictionary definitions of the term "lottery," and the history of and circumstances surrounding the 1986 amendment, that the people adopting it had in mind the same concept of lottery as did our

forefathers: a plan or scheme involving the sale of tokens or tickets to a large number of participants for the chance to share in the distribution of prizes by drawing or lot for the purpose of raising public revenue.

Id. at 247.

Finally, the Court in **Poppen** analyzed whether "video lottery" constituted a "game of chance" prohibited by the State Constitution. In this respect, the Court stated:

> One element which distinguishes a game of chance from a lottery as we have defined it, is that a "game of chance" encompasses less pervasive games which involve one or several players as opposed to a large number. Another distinction is that in a lottery, skill, choice or control of the player has no place. A token or ticket is purchased by the participant with no idea of the potential result. The participant buys a ticket and takes a chance; whether the participant is a winner or a loser is completely a matter of fate. In games of chance other than lotteries, the player has some conscious control over his input.
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> * * *
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> These distinctions place video lottery in the category of a "game of chance" as contemplated in our constitution. In video lottery, there is only one participant playing the machine; there is no ticket or token sold or drawing held in its usual sense, and there are choices available to the participant in playing the game, which choices affect the outcome.

Id. at 247,

The South Dakota Court concluded by stating as follows:

> We are firmly convinced beyond any reasonable doubt that video lottery is not a "lottery" as contemplated under our constitution but is a "game of chance" which is prohibited by Article III, § 25. Were we to adopt the State's definition of lottery (any plan, scheme, game, or enterprise which contains the elements of prize, chance, and consideration), the legislature would be empowered to sanction just about any form of gambling heretofore so vigorously suppressed by constitutional provisions, statutes, and the courts. The State's argument turns the public policy against gambling inside out by contending that the people have empowered the legislature to sanction any form of gaming which contains the "three elements." Theoretically, slot machines would be constitutionally authorized, as would all other forms of gaming heretofore prohibited as lotteries by the organic law.
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> The 1986 amendment was an exception to the general prohibition against gambling. The intent of the people in adopting that amendment was not to give the legislature carte blanche power to authorize any form of gaming which contains the elements of prize, chance, and consideration. The sole power granted was to authorize "a state lottery", not state "games of chance."

Id. at 248 (emphasis added).

We believe that the decision in **Poppen** is persuasive authority supporting the conclusion that "slot machines" or other electronic gaming devices are properly viewed as "games of chance" prohibited by Neb. Const. art. III, § 24, and not permissible "lotteries" which may be authorized for community betterment purposes. Nebraska's Constitution, like South Dakota's, has long contained a provision barring the Legislature from authorizing any "games of chance, lotteries, or gift enterprises." Also, Nebraska, like South Dakota, has enacted certain amendments to its Constitution allowing exceptions, including the conduct of "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes. We agree with the South Dakota Court's conclusion that, "{w}hen a constitution prohibits both games of chance and lotteries, the question arises as to the distinction between the two terms." 520 N.W.2d at 244. "When both terms are used, the term 'lottery' has a narrower meaning in that it is a special form of game of chance. . . .It is the term 'game of chance' which has a broad generic meaning." **Id.** (citation omitted).

The term "game of chance" under Nebraska's Constitution refers to any game in which chance is the predominant element, as opposed to skill, "when the consideration for a chance to participate involves the payment of money or the purchase of property {or} services." **State ex rel. Spire v. Strawberries, Inc.,** 239 Neb. at 7, 473 N.W.2d at 434. The three elements of prize, chance, and consideration are present in a game of chance. **Poppen v. Walker,** 520 N.W.2d at 245. If the term "lotteries" under the exception in art. III, § 24, authorizing the Legislature to permit "lotteries, raffles, and gift enterprises" for community betterment purposes, is construed to authorize any scheme involving the elements of prize, chance, and consideration, the prohibition against "games of chance" would be rendered meaningless. "It is a fundamental principle of constitutional interpretation that each and every clause within a constitution has been inserted for a useful purpose." **Day v. Nelson,** 240 Neb. 997, 1000, 485 N.W.2d 583, 585-86 (1992). A constitutional provision "must be construed as a whole, and no part will be rejected as meaningless or surplusage, if such can be avoided." **State ex rel. State Ry. Comm'n v. Ramsey,** 151 Neb. 333, 340-41, 37 N.W.2d 502, 507 (1949). In order to give effect to the separate recognition of "games of chance" and "lotteries" under art. III, § 24, the term "games of chance" must be interpreted as a broad prohibition against gambling activities, and the term "lotteries", under the exception allowing such for community betterment purposes, must be interpreted in a narrower sense, as involving schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing. The American Heritage College Dictionary (3d ed. 1993).[11]

In addition, Nebraska, like South Dakota, has historically prohibited gambling and lottery activities. As noted at length in our earlier discussion of the history of Nebraska's constitutional and statutory provisions concerning "games of chance" and "lotteries", such activities have long been barred in Nebraska, and only limited exceptions to the

constitutional prohibitions have been approved over the years. We have examined the history behind the amendment submitted to the voters in 1968 to alter art. III, § 24, to permit "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes. Nothing in the history of the amendment reveals any intent to permit the Legislature to authorize gambling in the nature of "slot machines" or other types of "casino gambling" as "lotteries". Clearly, the voters who approved the 1968 amendment did not understand that it would give the Legislature the power to authorize all forms of gambling activity involving prize, chance, and consideration, which, as noted, would include all "games of chance" which have historically been banned under our Constitution and statutes.[12]

Finally, the Court in **Poppen** noted that "games of chance" were distinguishable from "lotteries" in that they generally involve only one or a limited number of players; no ticket or token is sold or drawing held; and players exercise some choice affecting the outcome of the game. 520 N.W.2d at 247. While it is true that a traditional "slot machine" does not involve any exercise of choice by the player, as contemplated by the Court in **Poppen,** this does not mean that "slot machines" should be considered "lotteries" rather than "games of chance." Indeed, it is clear the South Dakota Court considered "slot machines" to be unconstitutional games of chance.[13] More importantly, the Nebraska Supreme Court has held that pinball machines (**Baedaro v. Caldwell**) and video poker, blackjack and dice devices (**State ex rel. Spire v. Strawberries, Inc.**) are "games of chance" prohibited under the Nebraska Constitution. "Slot machines" or other electronic gaming devices thus are properly viewed as "games of chance" prohibited under art. III, § 24, and not forms of "lotteries" which may be authorized by the Legislature for community betterment purposes.

IV. Conclusion.

Based on the foregoing, we conclude that the Legislature may not enact legislation to permit the use of "slot machines" or other "electronic gaming devices" under the constitutional grant permitting the Legislature to authorize "lotteries, raffles, and gift enterprises. . .the proceeds of which are used solely for charitable or community betterment purposes." Under Article III, § 24, the Legislature is precluded from authorizing "any game of chance or any lottery or any gift enterprise" except as provided in the Constitution. In our opinion, "slot machines" or other forms of "electronic gaming devices" fall within the category of "games of chance" prohibited by the Constitution, and not "lotteries" which the Legislature may sanction under its authority to permit "lotteries" for charitable or community betterment purposes. Accordingly, "slot machines" or other "electronic gaming devices" may not be authorized by the Legislature for these purposes absent an amendment to the Nebraska Constitution.

[1] For purposes of this opinion, we assume that your reference to "slot machines" or other "video or electronic gaming devices" is intended to encompass gaming devices in the nature of traditional "slot

machines", or some video device based on a "slot machine" theme, and video or electronic devices based on games such as poker, blackjack, dice, or other forms of gambling.

[2] The game of "keno" is defined as a game "in which a player selects up to twenty numbers from a total of eighty numbers on a paper ticket and a computer, other electronic device, or electrically operated blower machine which is not player-activated randomly selects up to twenty numbers from the same pool of eighty numbers and the winning players are determined by the correct matching of the numbers on the paper ticket selected by the players with the numbers selected by the computer, other electronic selection device, or electrically operated blower machine, except that no keno game shall permit or require player access or activation of lottery equipment and the random selection of numbers by the computer, other electronic device, or electrically operated blower machine shall not occur within five minutes of the completion of the previous selection of random numbers. . . ." Neb. Rev. Stat. § 9-607(1)(c)(ii) (Cum. Supp. 1994).

[3] Lotteries by the sale of pickle cards are governed by the provisions of the Nebraska Pickle Card Lottery Act, Neb. Rev. Stat. §§ 9-301 to -356 (1991, Cum. Supp. 1994 and Supp. 1995).

[4] In addition, the Legislature has acted to permit "raffles" by non-profit organizations for charitable purposes and "gift enterprises" used solely for business promotions under the authority provided under art. III, § 24, and has adopted definitions for these terms. Neb. Rev. Stat. § 9-415(1) (Cum. Supp. 1994) ("Raffle" under the Nebraska Lottery and Raffle Act); Neb. Rev. Stat. § 9-509(1) (Cum. Supp. 1994) ("Raffle" under the Nebraska Small Lottery and Raffle Act); and Neb. Rev. Stat. § 9-701(1)(a) (Cum. Supp. 1994) ("Gift enterprises"). The definitions of "raffle" exclude any gambling scheme using a "mechanical, computer, electronic, or video gaming device. . . ." Neb. Rev. Stat. §§ 9-415(2) and 9-509(2) (Cum. Supp. 1994). The definition of "gift enterprise" excludes "any scheme using the game of bingo or keno; any non-telecommunication-related, player-activated electronic or electromechanical facsimile of any game of chance; or any slot machine of any kind." Neb. Rev. Stat. § 9-701(1)(a) (Cum. Supp. 1994).

[5] The ban against the Legislature's authorization of parimutuel wagering on the results of horse races was, of course, removed by adoption of the 1934 amendment to art. III, § 24.

[6] These decision pre-date the adoption of the 1968 amendment to art. III, § 24, authorizing the Legislature to permit "lotteries, raffles, and gift enterprises which are intended solely as business promotions. . . ." Pursuant to that amendment, the Legislature has authorized the

conduct of "gift enterprises" conducted solely as "business promotions". Neb. Rev. Stat. § 9-701 (Cum. Supp. 1994).

[7] The Court noted that, in 1984, the Legislature amended the statute defining "lottery" and specified that it did not include any gambling scheme involving mechanical, computer, electronic, or video gaming devices. 219 Neb. at 869, 367 N.W.2d at 698; 1984 Neb. Laws, LB 744, §1 (**codified at** Neb. Rev. Stat. § 28-1101(6) (Cum. Supp. 1983)). Because the legality of activities conducted under the earlier statutes continued to raise questions of potential civil or criminal liability, the Court proceeded to address the issue of the legality of the use of the electronic gaming machines under the prior statutes.

[8] The decision in **CONtact, Inc. v. State** also involved consideration only of whether the sale of "pickle cards" constituted a permissible "lottery" under a legislative definition of the term. Also, while the Court in **CONtact, Inc.** noted that the statute defining "lottery" in relation to the three elements of prize, chance, and consideration was "a codification of earlier case law" (212 Neb. at 587, 324 N.W.2d at 806), it must be remembered that such case law predated the 1968 constitutional amendment to art. III, § 24, allowing the Legislature to authorize "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes. These decisions occurred when Nebraska's Constitution and statutes generally prohibited any "games of chance, lottery, or gift enterprise", thus obviating the need to make any distinction between "games of chance" and "lotteries".

[9] This office has rendered a number of opinions on questions relating to gambling issues. **See** Op. Att'y. Gen. No. 284 (Nov. 12, 1982) (classic "slot machines" were prohibited "gambling devices" under statute); Op. Att'y Gen. No. 133 (Aug. 9, 1983) (use of video machines in conduct of lottery likely prohibited by statute defining "gambling device", but use of video machines not necessarily barred by Constitution); Op. Att'y Gen. No. 59 (April 10, 1985) (games such as roulette, blackjack, craps, or other casino games permissible under statute defining "lottery"); Op. Att'y Gen. No. 25 (Feb. 26, 1985) and Op. Att'y Gen. No. 87062 (April 24, 1987) (legislation authorizing wagering on sporting events unconstitutional as authorizing prohibited "game of chance"); Op. Att'y Gen. No. 87084 (May 29, 1987) (legislation authorizing unlimited free games for playing coin-operated video gaming device authorizes impermissible "game of chance" contrary to art. III, § 24). None of these opinions, however, address the issue presented.

[10] It is worth pointing out that the Court specifically noted that, prior to South Dakota's authorization of "video lottery", a legislative committee concluded a "video lottery" could be implemented under the constitutional grant to create a "state lottery", relying on **Video Consultants of Nebraska, Inc. v. Douglas,** 219 Neb. 868, 367 N.W.2d

697 (1985). The South Dakota Supreme Court recognized that "{t}he court in **Video Consultants** was not construing the Nebraska constitutional provision, but was determining the applicability of a series of statutes enacted under the general police power, one of which broadly defined the term "lottery" and "{t}hat the state on appeal conceded that the video device was a lottery. . . ." 520 N.W.2d at 246. The Court properly concluded that **Video Consultants** "does not in any way stand for the proposition that video lottery is permissible under the Nebraska Constitution." **Id.**

[11] While this definition is somewhat broader than that adopted by the South Dakota Court in **Poppen,** we believe it is appropriate, in that it is consistent with the common understanding of the term. Moreover, existing "lotteries" authorized under the Nebraska statutes governing permissible "lotteries" for charitable or community betterment purposes, including the Nebraska Pickle Card Lottery Act, Neb. Rev. Stat. §§ 9-301 to -356 (1991, Cum. Supp. 1994 and Supp. 1995) and the Nebraska County and City Lottery Act, Neb. Rev. Stat. §§ 9-601 to -653 91991, Cum. Supp. 1994 and 1995), would satisfy this definition of "lottery".

[12] We recognize that art. III, § 24, was amended in 1992 to allow the Legislature to authorize a "state lottery". That amendment, however, did not effect any change to the language relating to the Legislature's power to authorize "lotteries" for charitable or community betterment purposes. For purposes of addressing the issue raised by your request, therefore, it is appropriate to examine the history behind the 1968 amendment creating this exception.

[13] In discussing the State's argument that the broad definition of lottery as any scheme involving prize, chance, and consideration should be adopted, the Court singled out "slot machines" as being among the forms of gambling "{t}heoretically" authorized by such a construction of the Constitution. 520 N.W.2d at 248. The Court, of course, declined to adopt such a construction.

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

07-03-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95089

DATE: November 13, 1995

SUBJECT: Application of the Requirements of Art. XVI, § 1 of the Nebraska Constitution Pertaining to Separate Presentation of Constitutional Amendments on the Ballot to Constitutional Amendments Proposed by the Nebraska Legislature

REQUESTED BY: Senator Ron Withem
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

Art. XVI, § 1 of the Nebraska Constitution pertains to amendment of that document, and the final sentence of that constitutional provision directs, "{w}hen two or more {constitutional} amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately." In your opinion request, you state, "I intend to introduce a constitutional amendment during the upcoming legislative session which will attempt to address both the issue of property tax relief and equal educational opportunity for all of Nebraska's students." You then ask,

> . . . whether, pursuant to 49-202.01 and Article XVI, Section 1 of the Constitution of the State of Nebraska, the Executive Board {of the Nebraska Legislature} would be required to submit ballot language to the Secretary of State in such a way as to require a vote on the changes made in each of Articles VII and VIII separately, or whether the amendment could be submitted in its entirety requiring only one vote on the proposal as a whole.

Neb. Rev. Stat. § 49-202.01 (Cum. Supp. 1994) generally pertains to the duties of the Executive Board of the Legislative Council with respect to the preparation of ballot titles for constitutional amendments proposed by the Legislature. That statute does not deal directly, in any way, with the portion of Art. XVI, § 1 which requires that separate constitutional amendments must be presented to the voters separately. Therefore, we must focus on the constitutional provision in order to answer your inquiry.

A number of states have constitutional provisions which require that, when more than one proposed constitutional amendment is proposed to the voters, each of those amendments must be presented to the voters so that it can be voted upon separately. **Fugina v. Donovan,** 259 Minn. 35, 104 N.W.2d 911 (1960); Annotation, **Proposition submitted to people as covering one or more than one proposed constitutional amendment within contemplation of constitutional provision in that regard,** 94 A.L.R. 1510 (1935); 16 C.J.S. **Constitutional Law** § 13. Such provisions are mandatory. **State ex rel. Thompson v. Winnett,** 78 Neb. 379, 110 N.W. 1113 (1907); 16 C.J.S. **Constitutional Law** § 13. Their purpose is to prevent deceit of the public along with logrolling, hodge-podge legislation or jockeying, where voters are

required to vote for something which they do not support in order to also vote for something which they do support. 16 Am. Jur. 2d **Constitutional Law** § 48. As noted in the **Fugina** case from Minnesota:

> The constitutional mandate that multifarious amendments shall be submitted separately has two great objectives. The first is to prevent imposition upon or deceit of the public by the presentation of a proposal which is misleading or the effect of which is concealed or not readily understandable. The second is to afford voters freedom of choice and prevent "logrolling," or the combining of unrelated proposals in order to secure approval by appealing to different groups which will support the entire proposal in order to secure some part of it although perhaps disapproving of other parts.

104 N.W.2d 911 at 914.

Our research disclosed no Nebraska cases in which the Nebraska Supreme Court has directly considered the requirements of Art. XVI, § 1 of the Constitution pertaining to the separate presentation of separate constitutional amendments. However, in **In re Senate File 31,** 25 Neb. 864, 41 N.W. 981 (1889), the Court noted that separate constitutional amendments must be presented to voters separately, and the court concluded that the Constitution was not violated in that case by alternative constitutional amendments which were not so mutually dependent upon each other as to give the impression that the Legislature intended them to be considered as a whole. Based upon language from the **Senate File 31** case, we stated in 1971-72 Rep. Att'y Gen. 211 (Opinion No. 90, dated January 19, 1972) that:

> {t}he quality of independence of intent and effect, therefore, seems to be the criterion in determining whether separate {constitutional} amendments are involved {under Art. XVI, § 1}. Thus, two provisions which are logically independent of each other, in that either would have full effect and purpose without the other, and would reflect a whole popular wish, should be considered two amendments and submitted separately. This conclusion would apply even where the two provisions relate to the same section of the Constitution.

Id. at 213.

Apart from the **Senate File 31** case, the Nebraska Supreme Court also indirectly considered the requirements of the final sentence of Art. XVI, § 1 in **Munch v. Tusa,** 140 Neb. 457, 300 N.W. 385 (1941). That case, in part, involved the necessity for separate presentation of proposals to amend the Omaha City Charter, and the Nebraska Supreme Court stated:

> The rule has been laid down that a constitutional amendment which embraces several subjects, all of which are germane (near or akin) to the general subject of the amendment, will, under such a requirement, be upheld as valid and may be submitted to the people as a single proposition. . . . In State v. Wetz {40 N.D. 299, 168 N.W. 835 (1918)}, it was said that the controlling consideration in

determining the singleness of an amendment is its singleness of purpose and the relationship of the details to the general subject.

The rule followed by a majority of American jurisdictions is to the effect that where the limits of a proposed law, have natural and necessary connection with each other, and, together, are a part of one general subject, the proposal is a single and not a dual proposition.

Id. at 463, 300 N.W. 389. (Emphasis added).

Our 1972 opinion notwithstanding, we believe that the Nebraska Supreme Court would be most likely to follow its formulation of the dual amendments rule in the more recent **Munch** case in determining whether two amendments proposed for the Nebraska Constitution require separate presentation to the voters, in part because the **Munch** rule appears to be the majority rule. Under that rule, two proposals may be submitted as a single proposition if they have a natural and necessary connection with one another, and if they are part of one general subject.

In the present instance, you have not provided us with any particulars of your proposed amendments for Art. VII and Art. VIII of the Nebraska Constitution except to state that they "will attempt to address both the issue of property tax relief and equal educational opportunity for all of Nebraska's students." Without the particulars of your proposals including the specific language at issue, it is impossible for us to evaluate them under the standard set out above. However, it seems to us, in a general sense, that proposals related to property tax relief and equal educational opportunity do not have such a natural and necessary connection with one another as to make them part of one general subject. As a result, we believe that those proposals should be separately set forth on the ballot based upon the information currently before us.

In your opinion request, you also asked, "whether language submitted for a vote of the people by initiative petition or referendum would be subject to the same requirements as those you determine to apply to the Executive Board of the Legislature in light of the language of Article III, Section 4 referring to constitutional amendments." For the reasons set out below, we must respectfully decline to provide you with the opinion which you requested in this area.

In our Op. Att'y Gen. No. 157 (December 24, 1985) to Senator Beutler, we noted that state officers are entitled to opinions of the Attorney General with respect to questions of law which arise "in the discharge of their duties." Based upon that premise, we will normally provide opinions to members of the Legislature only with respect to pending legislation or with respect to the performance of some function of the Legislature itself. Your second question involves amendment of the Nebraska Constitution through the Initiative process where the parties involved in placing amendments on the ballot are the sponsors of the Initiative measure and the Secretary of State. Since the Legislature has no direct involvement in amendment of the Nebraska Constitution through the Initiative process, we must respectfully decline

to issue an opinion to you concerning that process for the reasons stated in our 1985 opinion to Senator Beutler.[1]

[1] While we cannot issue a formal opinion to you in this instance, we will note, for your information, that our preliminary research on the constitutional amendment process has disclosed no Nebraska cases which deal directly with the issues raised in your second question.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-40-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 95093

DATE: December 8, 1995

SUBJECT: Municipal power to affect property left vacant for a period of ten years.

REQUESTED BY: Senator Elaine Stuhr
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
K. Osi Onyekwuluje, Assistant Attorney General

You have requested the opinion of this office regarding the constitutionality of a proposed amendment which would cause Neb. Rev. Stat. § 18-1722.01 (1991), to read as follows:

> Whenever the governing body of a municipality of the metropolitan class has decided by resolution or municipality of any other class has made a determination that a property is unsafe or unfit for human occupancy because of one or more violations of its minimum standard housing ordinance or has decided by resolution or other determination, whichever is applicable, that a building is unsafe because of one or more violations of its dangerous building code ordinance, or if the property has been left vacant for a period of ten years or more, it shall be the duty of such municipality to post the property accordingly, and to file a copy of such determination or resolution in the office of the register of deeds of the county to be recorded. No fee shall be charged for such recording or for the release of such recording.

(Proposed added language underlined.)

The above statute requires a municipality to post on a property a copy of its determination or resolution that the property is unsafe or

unfit for human occupancy because of one or more violations of the municipality's minimum standards housing ordinance or dangerous building code ordinance. The statute also requires the municipality to file a copy of this determination or resolution in the office of the county's register of deeds. Your proposed amendment further requires this same filing on any property which has been vacant for a period of ten years or more. For purposes of this opinion, we assume that by vacant, you mean that the property, if a house has not been lived in for a period of ten years or more; and if a real estate, that you mean it has been abandoned, having no heir or claimant.

We begin our analysis by observing that your proposed amendment, on its face, appears to be neither punitive, prohibitory nor confiscatory. The filing required by your proposed amendment does nothing more than put a subsequent purchaser on notice that a property has been vacant for a period of ten years or more. This notice, we presume, is for the benefit of the subsequent purchasers, heirs or possible claimants. As such, the notice requirement appears to us to be both reasonable and free from arbitrariness. If this were the only consequence of your proposed amendment, then we conclude that our courts will, if faced with the issue, find your amendment constitutional.

Our analysis, however, does not end there. If your amendment intends to target properties that are vacant for ten years or more for possible forced repair, rehabilitation or demolition and removal at a cost to the property owner, the result is different. The rules of statutory construction require a court to construe, in **pari materia,** statutes relating to the same subject matter so as to determine intent thereof. **State ex rel. Scherer v. Madison County Com'rs of Madison County,** 247 Neb. Neb. 384, 527 N.W.2d 615 (1995). In the case of this Section 18-1723.01 amendment you propose, a court may consider the subject statute, in **pari materia,** with Neb. Rev. Stat. § 18-1722 (1991), which provides:

> If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of any city or village to repair, rehabilitate, or demolish and remove a building or structure which is an unsafe building or structure and a public nuisance, the city or village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the governing body. The governing body may:
>
> (1) Levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or
>
> (2) Collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

Were a court to read the two statutory provisions together as the rules of statutory construction may require, it may conclude that your proposed amendment empowers the county to deal with a vacant house

as though the house was a nuisance, thereby subject to repair or demolition. If this is done, then the issue a court will decide becomes whether a municipality may, with legislative authority, declare a property which has merely been vacant for ten years or more, a public nuisance subject to abatement. We think not. The amendment of § 18-1722.01 as you propose, raises constitutional concerns regarding the proper use of the State's or a municipality's police powers, as well as concerns over the unconstitutional taking or damaging of property without just compensation.

The power of a municipality to abate a nuisance in the nonarbitrary and reasonable exercise of its police power is without doubt. Neb. Rev. Stat. § 18-1720 (1991); 56 Am.Jur.2d **Municipal Corporations** § 437. **See, Village of Brady v. Melcher,** 243 Neb. 728, 502 N.W.2d 458 (1993). Likewise, it is without doubt that ordinarily a property owner does not have and cannot acquire a vested right, or constitutional privilege to maintain or continue a nuisance. **Id.** at 733. While a legislature or municipality has the power to abate a nuisance, the subject of its laws or regulations must nonetheless be first classified and qualified as a nuisance.

A nuisance can be described as an activity which arises from unreasonable, unwarranted or unlawful use by a person of his or her own property which works obstructions or injury to a right of another or to the public, and which provides such material annoyance, inconvenience and discomfort that the law will perceive a resulting damage. 28A Words and Phrases, **Nuisance;** 56 Am.Jur.2d **Municipal Corporations,** § 443.

Thus, a building or other property may become a nuisance by virtue of its inherent unsafety or through some harmful or illegal use. As such, it can be said that it creates a hazard to health, safety or welfare and that a nuisance exists as a matter of law which may be abated by the government. Likewise, a building or other property which houses particular types of businesses or which are used for particular purposes may constitute nuisances depending upon the circumstances of the uses. However, a building (especially) or other property which is otherwise fit for human use or habitation, is not a nuisance per se or nuisance at law, even though it is unsightly, or is old and dilapidated. Its classification as such must depend on the particular circumstances of the uses made of the property. 58 Am.Jur.2d **Nuisances** §§ 162, 163; 56 Am.Jur.2d **Municipal Corporations** § 444.

It follows a **fortiari** that unless the use that is made of a property is such that the property can be deemed to be detrimental to the safety, health and welfare of the public or injurious to another, the property is not a nuisance. The mere fact alone that the property has been vacant for ten years or more cannot validly be said to make it detrimental to the safety, health and welfare, and therefore, a nuisance. An attempt by a government to abate such a use or nonuse of property cannot be justified as a reasonable exercise of the police power, as there is no rational relationship between the property's vacancy and protection of basic societal interest. 16A Am.Jur2d **Constitutional Law** §§ 384, 385,

397; 56 Am.Jur.2d **Municipal Corporations** § 444. Nor can such legislation even be justified as a reasonable one when it leads also to a taking or damaging of property by governmental action without just compensation being paid. Neb. Const. article I, § 21; 56 Am.Jur.2d § **Municipal Corporations** § 437; **City of Scottsbluff v. Winters Creek Canal Co.,** 155 Neb. 723, 53 N.W.2d 543 (1952). (The general power of a city to declare, prevent or abate nuisances does not include the power to declare anything a nuisance which is not one in fact or per se.)

This does not mean that the legislature or municipality cannot validly declare a property to be a nuisance when the property in question has not only been left vacant, but has for other reasons been found detrimental to the public safety, health and welfare, or is found to be similarly injurious to another property owner. An example of such a property that may be found detrimental to the public safety, etc., is one which has been left vacant and is being used as a haven for drug dealers, prostitution, etc., or one that becomes a municipal blight.

In conclusion, therefore, we are of the opinion that a property which has been left vacant for a period of at least ten years, without more, cannot be declared a nuisance subject to abatement, nor can legislation or ordinance aimed at forcing its repair or demolition pass constitutional muster.

Sincerely,
DON STENBERG
Attorney General
(Signed) K. Osi Onyekwuluje
Assistant Attorney General

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

Opinion No. 95095

DATE: December 12, 1995

SUBJECT: Legal implications of making "quality education" a "fundamental right" and making a "thorough and efficient" education the "paramount duty" of the State.

REQUESTED BY: State Senator Kate Witek

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

You have requested the opinion of the Attorney General on a series of legal questions related to a proposed constitutional amendment to Article VII, §1 of the Nebraska Constitution which may be introduced

in the upcoming session of the Nebraska Legislature. The proposed amendment is as follows:

~~The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.~~ Quality education is essential to the survival of a free society and is a fundamental right of each individual. It is the paramount duty of the State to provide for the thorough and efficient education for all individuals between the ages of five and twenty-one years who are enrolled in the common schools of the State. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

We will address each question in the order presented.

1. If such amendment were enacted, is it likely that the Nebraska Supreme Court would rule that education has a constitutionally-protected status as a fundamental constitutional right? What judicial analysis would the Nebraska Supreme Court likely employ in analyzing statutes because of this constitutional provision?

No fundamental right to education exists under the United States Constitution. **San Antonio Indep. Sch. Dist. v. Rodriguez,** 411 U.S. 1, 38-40, 93 S.Ct. 1278, 1299-1300 (1973). However, individual States can create such rights under their State constitutions. The proposed amendment purports on its face to make "quality education" a fundamental right, and would almost certainly be found by a court to effectively create such a right. **See Seattle Sch. Dist. No. 1 of King County. v. State,** 585 P.2d 71 (Wash. 1978).

Elevating "quality education" to a fundamental right would raise it in status to the level of the right to engage in free speech or to exercise religion free of governmental interference. **Doe v. Superintendent of Sch. of Worchester,** 653 N.E.2d 1088, 1096 n.4 (Mass. 1995) (quoting **Kirby v. Edgewood Indep. Sch. Dist.,** 761 S.W.2d 859, 863-864 (Tex. Ct. App. 1988), rev'd on other grounds, 777 S.W.2d 391 (Tex. 1989)). Legal actions brought to enforce fundamental constitutional rights pursuant to state due process or equal protection clauses are adjudicated using the highest level of judicial review - strict scrutiny. Under strict scrutiny, a compelling state interest is necessary to justify any impingement on a fundamental constitutional right, rather than just some rational relationship to a legitimate state purpose. **Robotham v. State,** 241 Neb. 379, 382, 488 N.W.2d 533 (1992). The Nebraska Supreme Court has noted that "In any challenge to a statute under either the Due Process Clause or the Equal Protection Clause, the degree of judicial scrutiny to be focused on the statute is a "dispositive question" (citation omitted) . . . since "if a statute is subject to strict scrutiny the statute always, or nearly always . . . is struck down. . ." **Id.** at 382. (emphasis added).

Thus, application of strict scrutiny has far-reaching implications. For example, if education were a fundamental right, students caught violating school weapon policies would likely be legally entitled to

suspension or provision of alternate education rather than expulsion since expulsion is not the least restrictive alternative. **Doe,** 653 N.E.2d at 1095.

The impact of making "quality education" a fundamental constitutional right is made evident by examining a recent legal challenge to Nebraska's current school financing system which this office successfully defended. In **Gould v. Orr,** 244 Neb. 163, 506 N.W.2d 349 (1993), the plaintiffs challenged the constitutionality of Nebraska's statutory framework for financing public education on the basis of disparities in funding among school districts in the state. The trial court held that "education is not a fundamental right subject to strict scrutiny," **id.** at 164, and granted summary judgement for the State. The Supreme Court, noting that the plaintiff's theory of the case was "that unequal funding equals inadequate education," found that the plaintiff failed to state a cause of action and dismissed the case. A dissenting judge noted that if education was a fundamental right, then any legislation affecting free instruction would be subject to strict scrutiny. **Id.** at 170, (White, J., dissenting in part). Another dissenting judge noted allegations of lower wages paid to teachers in poorer districts; access to fewer resources such as libraries, updated workbooks and counselors; and the unavailability of advanced courses in math, science, and foreign languages for students in poorer districts. He stated, "These allegations alone would show the inadequacy of the education received by students within poorer districts which result from the alleged economic disparities." **Id.** at 163 (Lanphier, J., dissenting).

It is clear, then, that making "quality" education a fundamental constitutional right would have dramatic legal consequences. Any legislation affecting that right would be subject to strict judicial scrutiny.

2. Would this be the first time that minors have been empowered with individual rights of any kind in the State of Nebraska? Do you know of any other fundamental rights granted to minors by the Nebraska Constitution?

We are not aware of any other instances where fundamental rights are granted specifically to minors in the Nebraska Constitution. Individual rights are, of course, generally applicable to minors as well as adults. **Bellotti v. Baird,** 443 U.S. 622, 633 (1979); **Application of Gault,** 387 U.S. 1, 13 (1967).

3. In the first sentence of the new amended language, a "quality education" is the right of "each individual." In the second sentence of the new amended language, a "thorough and efficient education" is provided to "all individuals between the ages of five and twenty-one years who are enrolled in the common schools of the State." The second sentence seems to place a qualification on "individuals" and the first sentence does not seem to have any qualification on "individual." Would the first sentence apply to each individual in the State of Nebraska regardless of age and regardless of whether the individual is enrolled in a common

school? In other words, does everyone have a fundamental right to a quality education?

It is a fundamental principle of constitutional interpretation that each and every clause within the Constitution has been inserted for a useful purpose. **Day v. Nelson,** 240 Neb. 997, 1000, 485 N.W.2d 583 (1992). It is our opinion that the first clause is a freestanding provision which would grant a fundamental right to a "quality" education to each individual in the State, not just those ages five to twenty-one in the common schools[1].

4. Since this amended language does not define "quality education" how would it likely be defined? In defining "quality education" would sections 79-4,140.01 and 79-4,140.02 of the Nebraska Revised Statutes that reference "quality education" or an administrative definition by the Nebraska Department of Education play an important role?

How "quality education" would be defined is ultimately up to the Nebraska Supreme Court. **See Calabro v. City of Omaha,** 247 Neb. 955, 972, 531 N.W. 2d 541 (1995); **Seattle Sch. Dist. No. 1 of King City v. State,** 585 P.2d 71, 87 (Wash. 1978) ("{T}he judiciary has the ultimate power and the duty to interpret, construe and give meaning to words, sections and articles of the constitution."). Thus, the courts rather than the Legislature or the local school boards would ultimately decide the meaning and extent of a "quality education." We note, however, the proposed language is similar to provisions that have led to court intervention in the administration of public schools in other states.

Nebraska's current education clause is a "Category I" clause. William E. Thro, The Role of Language of the State Education Clauses in School Finance Litigation, 79 Ed. Law Rep. 19, 23 n.24 (1993). This means the clause merely mandates a system of free public schools. "Presumably, as long as the state legislature does not abolish the public school system, there can be no violation of the education clause." **Id.,** at 23.

The proposed language, however, would be a "Category IV" clause. **Id.,** at 25. Such clauses make education one of the most important, if not the top, duty of the state (depending on the language used). Only four states currently have constitutions containing Category IV clauses. **Id.,** at 25 n.36. The proposed amendment would, in fact, give Nebraska the most stringent education clause in the United States. As discussed above, the meaning of the phrases "quality education" and "thorough and efficient education" in the proposed amendment would be subject to judicial interpretation by Nebraska Courts. In school finance litigation, courts have generally used one of four analyses in construing specific language contained in education clauses of state constitutions: 1) historical analysis of the framers' intent; 2) plain meaning standard of review; 3) assessment of identical or similar language from other state provisions; or 4) a combination of the first three methods. Davidson, An Anatomy of School Funding Litigation, 72 Ed. Law Rep. 627 (1992). The results of potential litigation construing the proposed

language could depend upon which analysis the Nebraska Supreme Court utilized.

Although it is difficult to opine with certainty as to how this matter might be assessed by the Nebraska Supreme Court, it is likely that a "plain meaning" analysis would be utilized to construe the terms "quality education," "fundamental right," and "paramount duty." It has been speculated that under such an analysis, "plaintiffs' prospects {would} be substantially increased . . . {since} . . . the plaintiffs will be able to assert that their state requires more than virtually every other state" constitution. The Role of Language, 79 Ed. Law Rep. at 25 n.36.

Courts in other states have construed similar language, and some guidance may be provided from those decisions. The West Virginia Supreme Court of Appeals defined "thorough and efficient" education as follows:

> It develops, as best the state of education expertise allows, the minds, bodies and social morality of its charges to prepare them for useful and happy occupations, recreation and citizenship, and does so economically.
>
> Legally recognized elements in this definition are development in every child to his or her capacity of (1) literacy; (2) ability to add, subtract, multiply and divide numbers; (3) knowledge of government to the extent that the child will be equipped as a citizen to make informed choices among persons and issues that affect his own governance; (4) self-knowledge and knowledge of his or her total environment to allow the child to intelligently choose life work - to know his or her options; (5) work-training and advanced academic training as the child may intelligently choose; (6) recreational pursuits; (7) interest in all creative arts, such as music, theater, literature, and the visual arts; (8) social ethics, both behavioral and abstract, to facilitate compatibility with others in this society.
>
> Implicit are supportive services: (1) good physical facilities, instructional materials and personnel; (2) careful state and local supervision to prevent waste and to monitor pupil, teacher and administrative competency.

Pauley v. Kelly, 255 S.E.2d 859, 877 (W.Va.1979). The court concluded that the thorough and efficient clause "demonstrates that education is a fundamental constitutional right in this State." **Id.,** at 879. Consequently, the court held that strict scrutiny must be applied to the state financing system and expressed doubt it could be upheld. **Id.** **See also Robinson v. Cahill,** 303 A.2d 273, 294 (N.J. 1973) (examining the meaning of a "thorough and efficient" system of public schools, and concluding the clause required equal educational opportunity which was violated by funding disparities.)

The Supreme Court of Kentucky defined an "efficient" system of common schools as follows:

> We concur with the trial court that an efficient system of education must have as its goal to provide each and every child with at least the seven following capacities: (i) sufficient oral and written

communication skills to enable students to function in a complex and rapidly changing civilization; (ii) sufficient knowledge of economic, social and political systems to enable the student to make informed choices; (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (iv) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (vii) sufficient levels of academic or vocational skills to enable public school students to complete favorably with their counterparts in surrounding states in academics or in the job market.

The essential, and minimal, characteristics of an "efficient" system of common schools, may be summarized as follows:

1) The establishment, maintenance and funding of common schools in Kentucky is the sole responsibility of the General Assembly.
2) Common schools shall be free to all.
3) Common schools shall be available to all Kentucky children.
4) Common schools shall be substantially uniform throughout the state.
5) Common schools shall provide equal educational opportunities to all Kentucky children, regardless of place of residence or economic circumstances.
6) Common schools shall be monitored by the General Assembly to assure that they are operated with no waste, no duplication, no mismanagement, and with no political influence.
7) The premise for the existence of common schools is that all children in Kentucky have a constitutional right to an adequate education.
8) The General Assembly shall provide funding which is sufficient to provide each child in Kentucky an adequate education.
9) An adequate education is one which has as its goal the development of the seven capacities recited previously.

Rose v. Council for Better Educ., Inc., 790 S.W.2d 186, 212-213 (1989). The court held that "education is a fundamental right in Kentucky." **Id.,** at 206. The court noted the "great disparity and inadequacy, of financial effort throughout the state," **Id.,** at 213, and concluded the state school system was inefficient and thus the entire system was unconstitutional.

In contrast, the Appellate Court of Illinois examined the meaning of "an efficient system of high quality education." **Committee for Educational Rights v. Edgar,** 641 N.E.2d 602, 605 (Ill. App. 1994). The court held that "The education article does not mandate equal

educational benefits and opportunities among the states school districts. . . ." The court held that "{T}he question of the efficiency of the educational system is properly left to the wisdom of the legislature." **Id.** (quoting **Cronin v. Lindberg** 360 N.E.2d 360 (Ill. 1976)). However, it should be noted that the court also held that education was not a fundamental right in Illinois, and thus applied a rational basis test rather than strict scrutiny. **Id.,** at 606.

Likewise, the Colorado Supreme Court examined the meaning of "a thorough and uniform" system of public schools. **Lujan v. Colorado State Bd. of Educ.,** 649 P.2d 1005 (Colo. 1982). The court held that education is not a fundamental right under the Colorado constitution, **id.,** at 1017, applied a rational basis test, and upheld the state's school financing system. The court concluded "thorough and uniform does not require that educational expenditures per pupil in every school district be identical." **Id.,** at 1025. **See also** Allen W. Hubsch, The Emerging Right to Education Under State Constitutional Law, 65 Temple L. Rev. 1325, 1337-1341 (1992) (discussing decisions from West Virginia, Washington, New Jersey, Texas and Kentucky). These decisions show the far-reaching legal implications of establishing a fundamental right to quality education.

You also asked about the role of existing Nebraska statutes in defining terms in the proposed amendment. Neb. Rev. Stat. § 79-4,140.02 states, "It is the intent of the Legislature to encourage and support all public schools in this state in order to carry out the state's mission to promote quality education as described in Section 79-4,140.01." (emphasis added). Section 79-4,140.01 provides as follows:

> The Legislature hereby finds and declares that the mission of the State of Nebraska, through its public school system, is to:
>
> 1) Offer each individual the opportunity to develop competence in the basic skills of communications, computations, and knowledge of basic facts concerning the environment, history, and society.
> 2) Offer each individual the opportunity to develop higher order thinking and problem-solving skills by means of adequate preparation in mathematics, science, the social sciences, and foreign languages and through appropriate and progressive use of technology;
> 3) Instill in each individual the ability and desire to continue learning throughout his or her life;
> 4) Encourage knowledge and understanding of political society and democracy in order to foster active participation therein;
> 5) Encourage the creative potential of each individual through exposure to the fine arts and humanities;
> 6) Encourage a basic understanding of and aid the development of good health habits; and
> 7) Offer each individual the opportunity for career exploration and awareness.

While it is possible a court would look to this statute for guidance as to the meaning of "quality education" in the proposed constitutional amendment, a court would not be bound to do so. In fact, if the proposed amendment were placed on the ballot by initiative petition rather than by the Legislature, "the intent of the voters adopting an initiative amendment to the Nebraska Constitution must be determined from the words of the initiative amendment itself." **Omaha Nat. Bank v. Spire,** 223 Neb. 209, 225, 389 N.W.2d 269 (1986). If placed on the ballot by the Legislature, the court could look to the legislative history if it determined the meaning of the words in the amendment are ambiguous. It is possible that legislative debate would contain references to the above quoted statute.

Where the meaning sought is of a particular word or phrase, the court must necessarily look beyond the face of the amendment if the word or phrase is uncertain and undefined in the amendment. The Supreme Court of Washington looked at the history of the state constitutional convention and the dictionary in determining the meaning of its "paramount duty" provision. **Seattle Sch.Dist. No. 1 of King Cty.,** 585 p.2d at 91. Courts may also give some deference to an administrative interpretation by the Department of Education. **See, e.g., Vulcraft v. Karnes,** 229 Neb. 676, 428 N.W. 2d 505 (1988).

5. What limits are there to a "quality education" and are those limits subject to change? For example, if a child sued claiming that his fundamental right to a quality education was violated because his or her school did not have certain classes or facilities that other schools have, what prevents the Nebraska Supreme Court from ordering that those items be offered in the name of providing a "quality education?"

The limits of a "quality education" under the proposed amendment would be up to the courts to decide. A real-life example of what can happen when courts intercede to establish educational equality through "quality education" programs comes from litigation involving a school district just two hours outside Nebraska. **See Missouri v. Jenkins,** 115 S. Ct. 2038 (1995). In **Jenkins** the State of Missouri challenged the District Court's order of salary increases for nearly all staff within the Kansas City, Missouri, School District (KCMSD) and the District Court's order requiring the State to continue to fund "quality education" programs to equalize student achievement levels. Although the case arose in the context of a desegregation order, the case is nonetheless instructive. The following discussion provides examples of programs and requirements imposed by the court:

> First, the District Court ordered that the KCMSD be restored to an AAA classification, the highest classification awarded by the State Board of Education.
>
> . . . Second, it ordered that the number of students per class be reduced so that the student-to-teacher ratio was below the level required for AAA standing. . . .
>
> The District Court also ordered programs to expand educational opportunities for all KCMSD students: full-day kindergarten;

expanded summer school; before- and after-school tutoring; and an early childhood development program. . . . Finally, the District Court implemented a state-funded "effective schools" program that consisted of substantial yearly cash grants to each of the schools within the KCMSD. . . . Under the "effective schools" program, the State was required to fund programs at both the 25 racially identifiable schools as well as the 43 other schools within the KCMSD. . . .

. . . .The total cost for these quality education programs has exceeded $220 million. . . .

In June 1985, the District Court ordered substantial capital improvements to combat the deterioration of the KCMSD's facilities. . .

. . .The District Court also required the KCMSD to present further capital improvements proposals "in order to bring its facilities to a point comparable with the facilities in neighboring suburban school districts."

. . .The District Court rejected what it referred to as the " because it "would not achieve suburban comparability or the visual attractiveness sought by the court as it would result in floor coverings with unsightly sections of mismatched carpeting and tile, and individual walls possessing different shades of paint.". . . . As of 1990, the District Court had ordered $260 million in capital improvements. . . . Since then, the total cost of capital improvements ordered has soared to over $540 million.

As part of its desegregation plan, the District Court has ordered salary assistance to the KCMSD. . . . The total cost of this component of the desegregation remedy since 1987 is over $200 million.

. . .The annual cost per pupil at the KCMSD far exceeds that of the neighboring SSD's or of any school district in Missouri. Nevertheless, the KCMSD, which has pursued a "friendly adversary" relationship with the plaintiffs, has continued to propose ever more expensive programs. As a result, the desegregation costs have escalated and now are approaching an annual cost of $200 million. These massive expenditures have financed.

> "high schools in which every classroom will have air conditioning, an alarm system, and 15 microcomputers; a 2,000-square-foot planetarium; green houses and vivariums; a 25-acre farm with an air-conditioned meeting room for 104 people; a Model United Nations wired for language translation; broadcast capable radio and television studios with an editing and animation lab; a temperature controlled art gallery; movie editing and screening rooms; a 3,500-square-foot dust-free diesel mechanics room; 1,875-square-foot elementary school animal rooms for use in a zoo project; swimming pools; and numerous other facilities."....

Not surprisingly, the cost of this remedial plan has "far exceeded KCMSD's budget, or for that matter, its authority to tax." . . . The

> State, through the operation of joint-and-several liability, has borne the brunt of these costs.

Id., at 2042-2045. Thus, the limit on court ordered improvements is not readily defined, and the scenario you describe is well within the realm of possibility, if not probability, in light of the experience in other jurisdictions.

6. If children have such a fundamental right in the Nebraska State Constitution, then what effect will this have on the federal constitutional right of parents to direct the upbringing and education of their children . . . ? If a parent chose to send his or her child to a private/parochial school or teach the child at home through Nebraska Department of Education Rule 13, could the child claim that such a school choice would be in violation of his or her right to quality education?

In order to address this question, we will set forth a brief review of the law concerning the parental right to direct their children's education. We will then discuss limitations on this right, and the effect of establishing a fundamental right to quality education.

The Right of Parents to Direct the Education of Their Children

In the landmark Nebraska case **Meyer v. Nebraska,** the U.S. Supreme Court held that the under the Due Process Clause of the 14th Amendment to the U.S. Constitution, parents have a constitutional right to direct the upbringing and education of their children. **Meyer v. Nebraska,** 262 U.S. 390 (1923). Two years after **Meyer** the Court struck down an Oregon law which required that all children between the ages of 8 and 16 must attend public school. **Pierce v. Society of the Sisters of the Holy Names of Jesus and Mary,** 268 U.S. 510, 534-35, 45 S. Ct. 571, 573-74 (1925). In **Pierce,** the Court stated,

> The fundamental theory of liberty upon which all governments in this union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right coupled with the high duty, to recognize and prepare him for additional obligations.

Id. at 535, 45 S. Ct. at 573. Two years after **Pierce,** a Hawaiian law was struck down by the Supreme Court because it unfairly limited the alternatives to public school education. **Farrington v. T. Tokushige,** 273 U.S. 284, 47 S. Ct. 406 (1927).

Limitations on Parental Rights

Subsequent to the above decisions, the Supreme Court held that the right of parents to direct their children's education is subject to certain limitations:

> {T}he family itself is not beyond regulation in the public interest, as against a claim of religious liberty. (citation omitted). And neither rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as parens patriae may restrict the parents control by requiring school

> attendance . . . and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's cause of conduct on religion or conscience.

Prince v. Massachusetts, 321 U.S. 158, 166 (1944). **See also** 1973-74 Rep. Atty. Gen. 49, 50 (April 6, 1973).

In a similar tone, the U.S. Supreme Court touched on the issue of home schooling in **Board of Education v. Allen** 392 U.S. 236, 88 S.Ct. 1923 (1968). The Court again discussed limitations on the scope of parental control over their children's education:

> Since **Pierce,** a substantial body of case law has confirmed the power of the states to insist that attendance at private schools, if it is to satisfy state compulsory-attendance laws, be at institutions which provide minimum hours of instruction, employ teachers of specified training, and cover prescribed subjects of instruction. Indeed, the state's interest in assuring that these standards are being met has been considered a sufficient reason for refusing to accept instruction at home as compliance with compulsory education statutes.

Id. at 245-46, 88 S. Ct. at 1927-28. Although the Court in **Allen** stated that home education based on mere personal preference may be proscribed, **id,** many parents base their decision to home school children on their right to freely exercise their religion. **Allen** did not address this issue, but the Court later did in **Wisconsin v. Yoder,** 406 U.S. 205, 92 S.Ct. 1526 (1972).

In **Yoder,** the Court held that the State's interest in universal education is not free from a balancing process when it impinges on other fundamental rights such as those protected by the Free Exercise Clause and the interest of parents with respect to the religious upbringing of their children. **Id.** at 213-215, 912 S.Ct. at 1532-33. The Court also rejected the State's claim that it is empowered, as **parens patriae,** to insist on secondary education for children regardless of the wishes of their parents. The Court held that the State's interest could not be sustained against a free exercise claim under the facts.

The right of parents to educate their children in the manner which they see fit, when based upon the free exercise of religion, is now commonly accepted among the states. Nebraska's "Rule 13," which permits home schooling based on sincerely held religious beliefs, is consistent with considerations outlined in **Yoder. See** Neb. Rev. Stat. § 79-1701 - § 79-1707 (1994). Many courts, however, have decided it is still within their power to ensure that schools, including home schools, meet certain requirements to ensure that students are being well educated. For instance, the Supreme Court of Ohio held that an Ohio law which required the local school superintendent to approve of home schooling programs does not restrict the free exercise of religion. Instead, the court held it furthers the strong governmental interest in the education of its youth. **State of Ohio v. Schmidt,** 505 N.E. 2d 627, 629-30 (Ohio 1987).

The Interrelationship Between Parental Rights Under the U.S. Constitution and the Proposed Right

to a Quality Education Under the State Constitution

When state law conflicts with federal law, the state law is preempted (to the extent of the conflict) by the federal law under the Supremacy Clause of the U.S. Constitution. U.S.Const., Art. VI, cl.2. To the extent that the proposed "fundamental right" of a child to a "quality" education under the State Constitution conflicts with a parent's right to direct the child's upbringing or to exercise their right to practice their faith under the Federal Constitution, the proposed state right would yield to the federal parental right. However, as discussed above, the courts have found many exceptions to the constitutional rights of parents, where education is concerned. Consequently, it is possible a court would not find a conflict between the parents' federal constitutional right to direct their child's education, and the child's fundamental right to a "quality" education under the State Constitution. In such case, the wishes of the child (or of the government operating "in the best interest of the child") would prevail over the parent.

By analogy, the U.S. Supreme Court has discovered a fundamental constitutional right for minor children to have abortions. **See Planned Parenthood v. Danforth,** 428 U.S. 52, 75, 96 S.Ct. 2831, 2844 (1976). Based on this right, a federal circuit court of appeals held that "even though a parent has an interest in the decision whether the minor is to have an abortion, the state has the power and duty to exclude the parent from the decision-making process if it is determined that exclusion would better serve the minor's welfare. The rights of parents must also yield to the fundamental rights of their children." **Wynn v. Carey,** 582 F.2d 1375, 1386 (7th Cir. 1978) (emphasis added).

Since the proposed right to a quality education is a fundamental right, it is within the realm of modern jurisprudence that a child could sue his or her parents if they denied him or her a "quality" education. A court could find a particular private, parochial or home school fails to meet the child's fundamental right, and then order the child moved to another school. The Nebraska Supreme Court has already stated, "Although parents have a right to send their children to school other than public institutions, they do not have the right to be completely unfettered by reasonable regulations as to the quality of the education furnished." **State ex rel. Douglas v. Faith Baptist Church,** 207 Neb. 802, 817, 301 N.W. 2d 571 (1981) (emphasis added).[2] Furthermore, current Nebraska law provides that any private, denominational, or parochial school which fails, refuses, or neglects to conform to and comply with the current statutory requirements for such schools (including specified course of instruction) may be closed and the pupils "required to attend the public school of the proper district as provided by law in like manner as though there were no such private, denominational, or parochial school." Neb.Rev.Stat. §79-1706 (1994).

Finally, because the proposed right to a "quality education" is a fundamental constitutional right, it is conceivable that courts could mandate a "judicial bypass" procedure for children who wish to have a court determine whether they are receiving a "quality education" in the event they do not approve of their parents' choice of schools. Such a

procedure is already the law in Nebraska with respect to a minor's fundamental right to an abortion. See Neb. Rev. Stat. §71-6903 (Cum.Supp. 1994).

7. In the second sentence of the new language, the state's duty to provide a thorough and efficient education is a "paramount duty." What is a paramount duty?

Research indicates that the only State with a comparable provision is the State of Washington. Article 9, § 1 of the Washington Constitution provides, "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders. . . ." The meaning of "paramount duty" was determined by the Washington Supreme Court in **Seattle Sch. Dis. No. 1 of King City v. State,** 585 P.2d 71 (Wash. 1978).

The court in **Seattle Sch. Dis. No. 1** held that this provision "does not merely seek to broadly declare policy, explain goals, or designate objectives to be accomplished. It is declarative of a constitutionally imposed duty." **Id.,** at 85. The court further held this duty has not been directed solely to the Legislature. **Id.,** at 86 (concluding the courts could enforce the "paramount duty").

The court concluded that " 'paramount' is not a mere synonym of 'important'. Rather, it means superior in rank, above all others, chief, preeminent, supreme, and, in fact, dominant." **Id.,** at 91 (emphasis added). The court further held:

> By imposing upon the State a **paramount duty** to make ample provision for the education of all children residing within the State's borders, the constitution has created a "duty" that is supreme, preeminent or dominant. Flowing from this constitutionally imposed "duty" is its jural correlative, a correspondent "right" permitting control of another's conduct. Therefore, all children residing within the borders of the State possess a "right," arising from the constitutionally imposed "duty" of the State, to have the State make ample provision for their education. Further, since the "duty" is characterized as **paramount** the correlative "right" has equal stature.

Id. (emphasis added).

The **Seattle** court did not stop here, but held, "the State's constitutional duty goes beyond mere reading, writing and arithmetic. It also embraces broad educational opportunities needed in the contemporary setting to equip our children for their role as citizens and as potential competitors in today's market as well as in the market place of ideas." **Id.,** at 94. Under this provision, the State must provide "fully sufficient funds" for the schools "as a first priority." **Id.,** at 95 (emphasis added). Such funding, the court held, "must be accomplished by means of dependable and regular tax sources. . . ." **Id.,** at 96-97. Finally, this funding is not limited to the revenue derived from sources specified in the constitution. **Id.**

Thus a "paramount" duty means one that is above all others.[3]

8. If this new amended language requires the state to have such a "paramount duty" then can the state delegate any authority to local school districts and local school boards? Would the state be

forced to control the quality of education in each school district and place local school boards in a subservient role? Also, if education is the "paramount duty" then what effect will this have on state spending priorities as state government prepares the state budget?

As to whether the state's paramount duty to provide a thorough and efficient education may be delegated to local school boards, we know of no legal reason that the details of education could not still be handled by local school boards. However, since the proposed amendment transfers responsibility over education funding from local school districts to the State, and imposes the duty to ensure quality education on the State rather than the local districts, the school districts are clearly placed in an inferior role.

The answer to your question regarding state spending priorities is actually provided in the immediately preceding section. Education would be placed in the preeminent position, above all other spending priorities including the historic duty to provide for the public safety. **Seattle Sch. Dist. No. 1,** 585 P.2d at 91.[4]

Summary

In summary, the language of the Amendment would leave it to the Nebraska Supreme Court, rather than the Legislature or local school district, to determine what is required for a "quality education." Because the Amendment makes quality education a "fundamental right", differences in spending, equipment, quality of buildings, and differences in programs or teaching methods at different schools may be held unconstitutional. It is likely that Nebraska's current school financing system would be ruled unconstitutional since there are spending differences between school districts. Because education is made the "paramount duty" of the State, education, for purposes described in the Amendment, would apparently have to be fully funded to the satisfaction of the Nebraska Supreme Court before the Legislature would be allowed to spend funds for public health and safety, law enforcement, roads, welfare, or other purposes.

To put it another way, in our opinion, the Amendment you describe would take the ultimate power to make key public policy decisions about education away from the Legislature and local school districts and give that power to the Nebraska Supreme Court.

[1] We also note that one of the sponsors of a similar amendment being proposed by petition, the Center for Rural Affairs, stated in its November 1995 Newsletter that the proposed amendment "Establishes education as a fundamental right for all individuals. . . ." (Nebraska Rural Action Nov. 1995, p.1) Similarly, this group's October 1995 Newsletter stated the proposed language "Establishes 'quality education' as a 'fundamental right' of every individual . . . ." (Center for Rural Affairs Newsletter, Oct. 1995 at p.3.) Although such extrinsic evidence is not likely admissible in court, it none the less supports our interpretation.

[2] In **Douglas,** the State of Nebraska closed a non-compliant church school by utilizing 15 carloads of law enforcement officers on October 19, 1982 to remove parents from the church so that it could be padlocked. The State's original order closing the school was upheld by the State Supreme Court. **Douglas,** 207 Neb. at 817. The padlocking of the church was later held unconstitutional, but only because the State could have simply prevented school age children from entering. **McCurry v. Tesch,** 738 F.2d 271, 275 (8th Cir. 1984).

[3] A similar constitutional amendment was defeated by voters in Illinois in 1992. During legislative debate on the proposed amendment, it was acknowledged by proponents of the amendment that the provision would require education to receive priority funding above all other agencies and problems. **Senate Debate on SJR Const.Amend. 130,** 87th Illinois Gen. Assembly, April 23, 1992 p45.

[4] As discussed above, the proposed amendment would create a "Category IV" education clause. See William E. Thro Judicial Analysis During the Third Wave of School Finance Litigation: The Massachusetts Decision As a Model, 35 Boston College L. Rev. 597, 606 (May 1994). Under such a clause, "the needs of the public school system must be addressed before the state's needs for roads, parks and other social services." **Id.**

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

3-43-18

Opinion No. 95100

DATE: December 21, 1995

SUBJECT: Application of the Single Subject Requirement of Neb. Const. art. III, § 14, to Constitutional Amendments Proposed by the Nebraska Legislature.

REQUESTED BY: Senator Stan Schellpepper
Nebraska State Legislature

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

You have requested our opinion regarding the propriety of a proposed amendment to LR 43CA. LR 43CA, as amended by the General Affairs Committee last session, proposes to submit to the

electorate an amendment to Neb. Const. art. III, § 24, which, if approved, would allow the Legislature to "authorize and regulate games of chance, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, for job creation and economic development, or for the promotion of agriculture." LR 43CA, § 1. The "games of chance" which could be authorized under the proposed amendment would "include, but not be limited to, casino gaming activities, player-activated electronic, video, or mechanical gaming devices, dice, card games of chance, and table games of chance." **Id.** Your proposed amendment to LR 43CA would add language providing for the creation of a "gaming commission" to regulate any gaming expansion which may be authorized by the Legislature pursuant to the amendment. Noting that Neb. Const. art. III, § 14, provides that "{n}o bill shall contain more than one subject, and the same shall be clearly expressed in the title", you ask "whether adding a provision which requires the creation of a gaming commission to regulate any gaming expansion which might be authorized by the Legislature pursuant to that constitutional amendment fulfills this single subject requirement."

Previously, this office concluded that the single subject requirement in art. III, § 14, is inapplicable to constitutional amendments proposed by the Legislature. 1971-72 Rep. Att'y Gen. 211 (Opinion No. 90, dated January 19, 1972)). In that opinion, we noted the advisory opinion of the Nebraska Supreme Court in the case of **In re Senate File 31,** 25 Neb. 864, 41 N.W. 981 (1889), in which the court expressed the view that "the Legislature's submission of an amendment to the Constitution is not a legislative act or law in the constitutional sense, but is a mere 'proposal.' Therefore, no title to the proposal is necessary, and the proposal may encompass more than one subject." 1971-72 Rep. Att'y Gen. at 211. As the court stated in the **Senate File 31** case:

> A proposition to amend the constitution. . .is in no sense a law. It is a mere proposal, based, it is to be presumed, upon a public demand for its submission, but it will possess no validity until ratified by a majority of all the votes cast at the election. If two or more propositions are submitted, they are to be submitted separately. There is a good reason why but one subject should be embraced in a bill designed to become a law by the action of the legislature and governor, and that the subject should be clearly expressed in the title, as without such condition experience has shown that provisions of a very objectionable character, which there was no possibility of passing independently, were attached to meritorious bills and smuggled through, or knowingly voted for by members to prevent the defeat of meritorious measures. . .No such reasons obtain, however, in submitting a proposition to amend the constitution, and the provisions of the constitution are not applicable thereto.

25 Neb. at 882, 41 N.W. at 986. **See also Weston v. Ryan,** 70 Neb. 211, 212, 97 N.W. 347, 348 (1903) ("The submission by the legislature

to the electors of a proposed constitutional amendment is not a legislative act.") (syllabus of court).

Relying on the Supreme Court's discussion in **Senate File 31,** we concluded in our earlier opinion that, "{u}nder the present language of Article XVI, Section 1, Constitution of the State of Nebraska, therefore, in proposing amendments thereunder, the Legislature is not bound by the Article III, Section 14, Constitution of the State of Nebraska, prohibition against a bill's containing more than one subject." 1971-72 Rep. Att'y Gen. at 212. Thus, as to your question regarding whether your proposed amendment to LR 43CA would offend the single subject requirement of article III, § 24, we conclude that it cannot, as this requirement has no application to acts of the Legislature proposing the submission of constitutional amendments.

While your question refers only to the application of the single subject requirement of article III, § 14, to your proposed amendment to LR 43CA, we believe that, in order to fully address the issue raised by your request, we must also address the application of Neb. Const. art. XVI, § 1, pertaining to amendment of the Constitution. In particular, the last sentence of this section directs that, "{w}hen two or more {constitutional} amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately."

Recently, in Op. Att'y Gen. No. 95089 (Nov. 21, 1995), we discussed the requirement of article XVI, § 1, pertaining to separate presentation of constitutional amendments on the ballot submitted to voters presenting constitutional amendments proposed by the Legislature. We noted that "{a} number of states have constitutional provisions which require that, when more than one proposed constitutional amendment is proposed to the voters, each of those amendments must be presented to the voters so that it can be voted on separately." **Id.** at 2; **see generally** Annot., **Proposition submitted to people as covering one or more than one proposed constitutional amendment within contemplation of constitutional provision in that regard,** 94 A.L.R. 1510 (1935); 16 C.J.S. **Constitutional Law** § 13 (1984). "Their purpose is to prevent deceit of the public along with logrolling, hodge-podge legislation or jockeying, where voters are required to vote for something which they do not support in order to also vote for something which they do support." Op. Att'y Gen. No. 95089 at 2 (**citing** 16 Am. Jur. 2d **Constitutional Law** § 48 (1979)).

Our recent opinion referenced the 1971 Attorney General Opinion discussing the requirement for separate submission of constitutional amendments and the **Senate File 31** case, which stated that

> {t}he quality of independence of intent and effect, therefore, seems to be the criterion in determining whether separate {constitutional} amendments are involved {under Art. XVI, § 1}. Thus, two provisions which are logically independent of each other, in that either would have full effect and purpose without the other, and would reflect a whole popular wish, should be considered two amendments and submitted separately. This conclusion would apply

even where the two provisions relate to the same section of the Constitution.

Op. Att'y Gen. No. 95089 at 3 (**quoting** 1971-72 Rep. Att'y Gen. at 213)).

We also noted that the Nebraska Supreme Court had indirectly considered the separate submission requirement of article XVI, § 1, in **Munch v. Tusa,** 140 Neb. 457, 300 N.W. 385 (1941). In discussing the necessity for separate presentation of proposals to amend the Omaha City Charter, the court in **Munch v. Tusa** stated:

'The rule has been laid down that a constitutional amendment which embraces several subjects, all of which are germane (near or akin) to the general subject of the amendment, will, under such a requirement, be upheld as valid and may be submitted to the people as a single proposition'. . . .{T}he controlling consideration in determining the singleness of an amendment is its singleness of purpose and the relationship of the details to the general subject.

* * *

The rule followed by a majority of American jurisdictions is to the effect that where the limits of a proposed law, having natural and necessary connection with each other, and, together, are a part of one general subject, the proposal is a single and not a dual proposition.

140 Neb. at 463, 300 N.W. at 389 (emphasis added).

Upon examination of the separate submission issue, we recently concluded that,

{o}ur 1972 opinion notwithstanding, we believe that the Nebraska Supreme Court would be most likely to follow its formulation of the dual amendments rule in the more recent **Munch** case in determining whether two amendments proposed for the Nebraska Constitution require separate presentation to the voters, in part because the **Munch** rule appears to be the majority rule. Under that rule, two proposals may be submitted as a single proposition if they have a natural and necessary connection with one another, and if they are part of one general subject.

Op. Att'y Gen. No. 95089 at 3-4.

You have not provided us with any specific language proposing to amend LR 43CA, but indicate that your amendment would add language "to provide for a gaming commission to regulate any gaming expansion which might be authorized by the Legislature" under the constitutional amendment. It seems to us that a "natural and necessary connection" exists between the proposal to amend the Constitution to expand the Legislature's authority to authorize additional forms of gaming and the creation of a commission to regulate any such expanded gaming activity. The establishment of a gaming commission is certainly germane to the general subject of the amendment, which proposes to permit the Legislature to allow expanding gaming for specified purposes. Therefore, we believe that the question of creation of a gaming commission to regulate any expanded gaming authorized under the amendment would not have to be set forth separately on the

ballot, and that, if LR 43CA is amended in the manner you suggest, presentation to the electorate of the proposal as a single amendment would be consistent with article XVI, § 1.

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

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-22-7.1

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Annual Budgetary Report for year ending June 30, 1995
Nebraska Geographic Information Systems Steering Committee Annual Report (LB 639, 1991, §81-2601 - §81-2605)

Agriculture, Department of
Methods of Making Sanitary Ratings of Milk Supplies (1993 Revision), as it exists on September 9, 1995 (Section 2-3910, as amended by Law 1995, LB 406)
Procedures Governing the Cooperative State Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers (1993 Revision), as it exists on September 9, 1995 (Section 2-3910, as amended by Law 1995, LB 406)

Auditor of Public Accounts, audit reports and/or management letters
Abstracters' Board of Examiners
Administrative Services, Department of, Accounting Division
Administrative Services, Department of, Management Letter
Agriculture, State Board of, Appropriated Funds
Attorney General Management Letter
Dry Bean Commission
Economic Development, Department of, Travel and Tourism Division
Education, Department of, Management Letter
Examiners, Board of, for Land Surveyors
Examiners, Board of, for Professional Engineers and Architects
Grain Sorghum Development, Utilization, and Marketing Board
Health, Department of, Management Letter
Investment Council Management Letter
Justice, Department of
Labor, Department of, Management Letter

Liquor Control Commission
Mexican-American Commission
Motor Vehicle Industry Licensing Board
Nebraska, State of, Single Audit Report
Pardons, Board of
Patrol, State, Investigative and Auto Theft Cash Funds
Power Review Board
Public Employees' Retirement Systems - School Employees', Judges', and State Patrol's Retirement Systems
Public Institutions, Department of, Norfolk Veterans' Home Members' Trust Fund
Railway Council
Revenue, Department of, Charitable Gaming Division Petty Cash Fund
Revenue, Department of, Motor Fuel Tax Enforcement and Collection Fund
Roads, Department of, Management Letter
Secretary of State
Social Services, Department of, Advisory Letter
Social Services, Department of, Certain Medicaid Claims
Social Services, Department of, Management Letter
Social Services, Department of, Random Moment Study
Social Services, Department of, Service Vendor Payment System Advisory Letter
Treasurer, State, Transition of the State Treasurer
Wheat Board

Education, Department of
School Finance Review Committee Annual Report

Energy Office, Nebraska
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Reports for June and September 1995 (Sec. 19-4617, R.R.S. 1943)

Environmental Quality, Department of
Annual Report (LB 528)
Petroleum Storage Tank Insurance Report (§66-1518(3))
Small Town Grants Program #523 Semi-annual Report (Section 81-15,153, LB 311, 1989)
Title V Appropriation Annual Report (Neb.Rev.Stat. 81-1505.04)

Ethanol Board, Nebraska
Ethanol Producer Incentive Cash (EPIC) Fund for July and November 1995 (Section 66-1345)

Historical Society, State
Annual Report
Progress Report (LB 1022, 1992)

Investment Council
Northern Ireland Investments in Corporations for fiscal year ending June 30, 1995 (LB 1066, 1994)

Juvenile Services, Office of
Youth Rehabilitation and Treatment Centers Annual Report (Chapter 83, Article 9, § 83-925.11)

Labor, Department of
State Labor Area Summary for July and September 1995

Legislative Council
Certification of General Fund Receipts (R.S.Supp., 1994, 77-4601)
Program Evaluation Unit Report of the Leaking Underground Storage Tank (LUST) Program (Section 50-1210 Program Evaluation Act)

Liquor Control Commission
Keg Registration (53-101, NE Liquor Control Act, 1993)

Natural Resources Commission
Annual Report and Plan of Work (Section 2-15,106)

Nebraska Investment Finance Authority (NIFA)
Agricultural Division Loans Report for FYI ending June 30, 1995 (Neb.Rev.Stat. §58-246)
Community Development Loan Notes (City of Lincoln Program - 1995) (Neb.Rev.Stat. §58-270)
Series A and B Community Development Loan Notes Quarterly Reports for August and October 1995 (Neb.Rev.Stat. §58-270(4))
Series A Single Family Issue Quarterly Reports for June and October 1995 (Neb.Rev.Stat. §58-270(4))
Series B Single Family Issue Quarterly Reports for July and October 1995 (Neb.Rev.Stat. §58-270(3))
State Revolving Fund Revenue Bonds Quarterly Reports for June and October 1995 (Neb.Rev.Stat. §58-270(4))

Ombudsman (Office of the Public Counsel)
Annual Report (Section 81-8.251, R.R.S. 1943)
Investigation of Allegations of Wrongdoing by the Administrator of the Department of Administrative Services, Materiel Division (Neb.Rev.Stat. § 81-2704(5) R.R.S., 1993 Supp.)

Parole, Board of
Annual Report

Postsecondary Education, Coordinating Commission for

UNL City Campus 10th Street/Avery Avenue/Miscellaneous Land Acquisition Proposal (Neb.Rev.Stat., Reissue 1994, Section 85-408)

Public Institutions, Department of
State Mental Health Planning and Evaluation Council Annual Report (NE Comprehensive Community Mental Health Act, § 71-5008, amended by LB 291)

Public Service Commission
Telecommunications Annual Report (LB 835, 1986)

Revenue, Department of
Examination of Auditor of Public Accounts for year ended June 30, 1994 (Statute 81-106)
Lottery Annual Report
Sales and Income Taxes Collected during FY 1994-95 (LB 392, 1995)

Roads, Department of
Board of Public Roads Classifications and Standards, Minutes for May, June, July, September, October, and November, 1995
Highway Cash Fund and Roads Operation Cash Fund for May, June, July, August, September, October, and November 1995 (Section 66-4,144, R.S. Supp. 1994)
Recreation Roads One- and Five-Year Programs (Section 39-1392 R.R.S. 1943)
State Highway Commission Quarterly Report for the periods ending June and September 1995 (Section 39-1111, 1988)
State Highway Plan and Needs 1995 Report (Section 39-1365.02, 1988 Supplement)
Transportation Interagency Efficiency Task Force Report (Executive Order 95-3)

Social Services, Department of
Community Service Programs Annual Report (Neb.Rev.Stat. 68-155.9)
Cost Sharing in the Medicaid Program 1995 Report (LB 808, 1994)
Disabled Persons and Family Support Program Annual Report (Neb.Rev.Stat. §68-1518, Reissue 1943)

Treasurer, State
Treasurer's Report for November and December 1994

University of Nebraska
Annual Report
Medical Center RHOP Loan Report (LB 505)

COMMUNICATIONS

Received a copy of Senate Joint Resolution No. 2 from the State of Nevada regarding an amendment to the Constitution of the United States providing that the federal courts do not have the power to levy or increase taxes.

Received a copy of Senate Joint Resolution No. 2 from the State of California regarding air pollution.

Received a copy of House of Representatives Resolution HJR 72 from the State of Alabama reclaiming state sovereignty under the Tenth Amendment of the United States Constitution.

Received a copy of House Joint Resolution 95-1031 from the State of Colorado regarding Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA).

Received a copy of Senate Concurrent Resolution from the State of Indiana claiming sovereignty with regard to all powers not granted by the U.S. Constitution to the federal government.

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 1995 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Republican Natural Resource District	
Duncan, Duncan, Jelken & Walker Attorneys	15.00

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announces the following committee changes:

Senator Bernard-Stevens has been appointed to the Judiciary Committee and taken off the Government, Military and Veterans Affairs Committee.

Senator Jennie Robak has been appointed to the Urban Affairs Committee and the General Affairs Committee and taken off the Banking, Commerce and Insurance Committee.

Senator Hilgert has been appointed to the Banking, Commerce and Insurance Committee and the Government, Military and Veterans Affairs Committee.

Senator Klein has been appointed to the Health and Human Services Committee, Transportation Committee, and Intergovernmental Cooperation Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 890. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to water; to repeal provisions that terminated April 1, 1994; and to outright repeal sections 46-242.01 and 46-242.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 891. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions that terminated July 31, 1995; and to outright repeal sections 77-4701 to 77-4706, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 892. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to the Governor's Roundtable; to amend section 68-1708, Revised Statutes Supplement, 1995; to repeal provisions that terminated July 1, 1995; to harmonize provisions; to repeal the original section; and to outright repeal sections 68-1701 and 68-1703 to 68-1707, Revised Statutes Supplement, 1994, and section 68-1702, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 893. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to schools; to amend section 79-4,196, Revised Statutes Supplement, 1995; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 894. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to devises; to amend section 30-241, Reissue Revised Statutes of Nebraska; to change an internal reference; and to repeal the original section.

LEGISLATIVE BILL 895. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-502, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to printing and distribution of the laws and journals; and to repeal the original section.

LEGISLATIVE BILL 896. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to education; to repeal a provision requiring a report on or before January 15, 1993; and to outright repeal section 79-445.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 897. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate provisions relating to a terminated task force; and to outright repeal section 28-1501, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 898. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to health care providers; to amend sections 23-3586, 23-3594, 71-7601, and 71-7602, Revised Statutes Supplement, 1994; to repeal provisions that terminated July 1, 1995; to repeal a tax imposed for calendar years 1993 and 1994; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3594.01 to 23-3594.09 and 77-4801 to 77-4807, Revised Statutes Supplement, 1994, and section 23-3586.01, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 899. Introduced by Executive Board: Vrtiska, 1, Acting Chairperson.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-619, Reissue Revised Statutes of Nebraska; to correct an internal inconsistency; and to repeal the original section.

LEGISLATIVE BILL 900. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to education; to amend sections 2-4722, 13-903 to 13-907, 13-909, 13-912, 13-913, 13-915, 13-917, 13-923 to 13-925, 29-2271, 29-2272, 30-3209, 43-2007, 43-2505, 43-2507.02, 43-2512, 48-233, 58-238, 58-319, 58-412, 71-1623, 73-106, 79-101 to 79-102.02, 79-105, 79-106, 79-201 to 79-202, 79-205 to 79-211, 79-213 to 79-216, 79-301, 79-304, 79-305, 79-307, 79-321, 79-321.01, 79-321.03, 79-322 to 79-333, 79-339, 79-342 to 79-345, 79-401, 79-402, 79-402.03 to 79-402.20, 79-403 to 79-403.03, 79-406 to 79-426.19, 79-426.22 to 79-426.28, 79-428 to 79-430,

79-432 to 79-435, 79-437.03, 79-438.12, 79-438.13, 79-439, 79-440, 79-441, 79-442.01 to 79-443.01, 79-444.01 to 79-444.05, 79-444.07, 79-445, 79-446, 79-449.01, 79-450 to 79-461, 79-466 to 79-467.01, 79-469, 79-470, 79-478 to 79-488.01, 79-488.03 to 79-492, 79-4,105.01, 79-4,106.01 to 79-4,107, 79-4,114, 79-4,117, 79-4,119 to 79-4,123, 79-4,125 to 79-4,127, 79-4,128.01, 79-4,128.02, 79-4,133 to 79-4,150, 79-4,152 to 79-4,159, 79-4,170 to 79-4,176, 79-4,177 to 79-4,179, 79-4,181 to 79-4,194, 79-4,197 to 79-4,205.02, 79-4,207, 79-4,221, 79-4,222, 79-4,224 to 79-4,247, 79-501 to 79-504, 79-505, 79-507 to 79-512, 79-516.01, 79-516.04, 79-516.06, 79-516.08, 79-519, 79-521, 79-530, 79-532 to 79-538, 79-541 to 79-545, 79-546.01, 79-547.02, 79-547.04, 79-550, 79-552, 79-601 to 79-604, 79-606 to 79-610, 79-701, 79-703.01, 79-801 to 79-802, 79-803.03, 79-803.05, 79-803.11, 79-805, 79-807, 79-809, 79-810.01, 79-901, 79-902.01, 79-904, 79-906 to 79-912, 79-1001 to 79-1003.02, 79-1003.04 to 79-1004.04, 79-1005 to 79-1007.05, 79-1033, 79-1035 to 79-1039, 79-1041, 79-1042, 79-1044, 79-1047 to 79-1049.05, 79-1050 to 79-1051.02, 79-1051.05, 79-1051.07, 79-1052, 79-1056.05, 79-1058, 79-1060 to 79-1070, 79-1101, 79-1103, 79-1103.05 to 79-1111, 79-1229, 79-1236, 79-1239, 79-1240, 79-1247.03, 79-1247.04, 79-1247.06 to 79-1247.11, 79-1247.13, 79-1247.16, 79-1248 to 79-1253, 79-1254.01 to 79-1254.03, 79-1254.05 to 79-1254.10, 79-1268, 79-1269, 79-1272 to 79-1286, 79-1297 to 79-12,121.03, 79-12,153, 79-1301 to 79-1313, 79-1315 to 79-1328, 79-1346, 79-1369, 79-1371 to 79-1374, 79-1384, 79-1385, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-1435.01 to 79-1435.03, 79-1446 to 79-1457, 79-1501, 79-1502, 79-1503.02, 79-1505, 79-1506, 79-1508 to 79-1509.03, 79-1510 to 79-1514.02, 79-1514.05, 79-1514.06, 79-1515 to 79-1522.02, 79-1523 to 79-1530, 79-1532 to 79-1538, 79-1540, 79-1542, 79-1544 to 70-1546, 79-1548 to 79-1553, 79-1556 to 79-1567, 79-1701, 79-1701.01, 79-1703 to 79-1707, 79-1901 to 79-1904, 79-1907, 79-1908, 79-1911, 79-1913 to 79-1915, 79-2001 to 79-2007, 79-2010 to 79-2012, 79-2101 to 79-2103, 79-2104, 79-2105, 79-2106.01, 79-2109 to 79-2114, 79-2201 to 79-2202, 79-2202.02 to 79-2203, 79-2203.02 to 79-2209, 79-2210.01 to 79-2210.04, 79-2212 to 79-2221, 79-2301 to 79-2315, 79-2317, 79-2501 to 79-2504, 79-2701 to 79-2703, 79-3001 to 79-3011, 79-3302 to 79-3318, 79-3320, 79-3321, 79-3323, 79-3324, 79-3326 to 79-3331, 79-3332.01, 79-3334, 79-3335 to 79-3362, 79-3364, 79-3365, 79-3367 to 79-3371, 79-3401 to 79-3410, 79-3412 to 79-3417, 79-3501 to 79-3509.01, 79-3509.03, 79-3510, 79-3601 to 79-3606, 79-3701 to 79-3703, 79-3802, 79-3805, 79-3807, 79-3808, 79-3810, 79-3811, 79-3815, 79-3817, 79-3818 to 79-3822, 79-3824, 79-3901 to 79-3906, 79-3908 to 79-3910, 79-4001 to 79-4004, 83-121, 83-382, 83-1225, 84-1301, 84-1401, 84-1410, 84-1412, 84-1414, 85-104, 85-308, 85-607, 85-917, 85-933, 85-949, and 85-1515, Reissue Revised Statutes of Nebraska, sections 13-501, 13-910, 32-312, 32-511, 32-515, 32-541 to 32-546, 32-567, 72-1237.01, 77-2341, and 77-2704.12, Revised Statutes Supplement, 1994, and sections 9-812, 13-508, 43-2513, 43-2620, 71-1910, 72-801, 77-3438,

77-3439, 79-340, 79-346, 79-347, 79-348, 79-349, 79-444, 79-444.06, 79-4,118, 79-4,169, 79-4,176.01, 79-4,179.01, 79-4,180, 79-4,195, 79-4,196, 79-4,248, 79-810, 79-903, 79-1032, 79-1034, 79-1040, 79-1043, 79-1044.01, 79-1045, 79-1046, 79-1046.01, 79-1049.06, 79-1056, 79-1056.06, 79-1233, 79-1247.05, 79-1345, 79-1501.01 to 79-1503, 79-1503.01, 79-1514.10, 79-1514.11, 79-1522.04, 79-1522.05, 79-1531, 79-1910.01, 79-2009.01, 79-2103.01, 79-2106, 79-2107, 79-2108, 79-2210, 79-2225, 79-3301, 79-3322, 79-3325, 79-3332, 79-3333, 79-3333.01, 79-3363, 79-3366, 79-3509.02, 79-3801, 79-3803, 79-3804, 79-3806 to 79-3806.02, 79-3809, 79-3811.01 to 79-3814, 79-3816, 79-3819, 79-3823, 84-304, 84-1503.01, 84-1511, 85-1517, and 90-511, Revised Statutes Supplement, 1995; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-445.01, 79-522, 79-703, 79-806, 79-905, 79-1112, 79-1916 to 79-1919, 79-2222 to 79-2224, 79-3319, and 79-3907, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 901. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,186 and 60-6,193, Reissue Revised Statutes of Nebraska; to change speed limits; and to repeal the original sections.

LEGISLATIVE BILL 902. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to state investments; to amend section 72-1260, Revised Statutes Supplement, 1994; to state intent; to define terms; to prohibit the investment of state funds in tobacco companies; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 23-2525, 23-2531, 48-1101, 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and section 23-2541, Revised Statutes Supplement, 1994; 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 904. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 32-507, 32-609, and 32-813, Revised Statutes Supplement, 1994; to provide for the nonpartisan election of the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 905. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to citations; to amend sections 28-416, 28-1012, 29-422 to 29-425, 29-435, 60-684, 60-6,301, 60-6,367, 60-2401.01, and 81-1556, Reissue Revised Statutes of Nebraska, sections 18-1741.03 and 32-1549, Revised Statutes Supplement, 1994, and section 60-302, Revised Statutes Supplement, 1995; to change provisions relating to citations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 906. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 49-506, Revised Statutes Supplement, 1995; to require distribution of session laws to inmate libraries; and to repeal the original section.

LEGISLATIVE BILL 907. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to truth and deception examinations; to amend sections 81-1932 and 83-910, Reissue Revised Statutes of Nebraska; to define a term; to permit examinations as a condition of employment with the Department of Correctional Services; and to repeal the original sections.

LEGISLATIVE BILL 908. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and punishment; to amend section 28-101, Revised Statutes Supplement, 1995; to prohibit knowing intrusion as provided; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to estates; to amend section 30-24,125, Reissue Revised Statutes of Nebraska; to change provisions regarding collection of personal property by affidavit; and to repeal the original section.

LEGISLATIVE BILL 910. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to alcoholic liquor; to amend sections 53-103 and 53-123.14, Revised Statutes Supplement, 1994; to limit retail sales of alcoholic liquor by brewpub licensees as provided; and to repeal the original sections.

LEGISLATIVE BILL 911. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1995; to create the offense of unauthorized entry into a propelled vehicle; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 912. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to adopt the Court Reporter Certification Act.

LEGISLATIVE BILL 913. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-804, Reissue Revised Statutes of Nebraska; to change provisions relating to hearsay exceptions; and to repeal the original section.

LEGISLATIVE BILL 914. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to non-English-speaking employees; to amend section 48-2201, Revised Statutes Supplement, 1995; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 915. Introduced by Robak, 22.

A BILL FOR AN ACT relating to gaming; to amend section 28-1101, Reissue Revised Statutes of Nebraska, and section 9-607, Revised Statutes Supplement, 1994; to change provisions relating to lotteries and gambling; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,232, Revised Statutes Supplement, 1995; to change provisions relating to lighting and warning equipment; and to repeal the original section.

LEGISLATIVE BILL 917. Introduced by Robak, 22.

A BILL FOR AN ACT relating to physically disabled persons; to amend sections 20-127, 20-128, 20-129, 20-131.02, and 20-131.04, Reissue Revised Statutes of Nebraska; to provide for service dogs; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 918. Introduced by Robak, 22.

A BILL FOR AN ACT relating to insurance; to require coverage for certain mental illnesses.

LEGISLATIVE BILL 919. Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1995; to enhance penalties for certain offenses; to create a civil action; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 920. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-4,182, 60-6,186, and 60-6,187, Reissue Revised Statutes of Nebraska; to change speed limits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 921. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3509.01 and 77-3509.02, Reissue Revised Statutes of Nebraska, and section 77-3510, Revised Statutes Supplement, 1995; to change provisions relating to transfer of homestead exemptions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 922. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Dispute Resolution Act; to amend section 25-2901, Revised Statutes Supplement, 1994; to create a cash fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Landis, 46.

A BILL FOR AN ACT relating to fishing; to amend section 37-102, Revised Statutes Supplement, 1995; to establish free fishing day; to give the Game and Parks Commission duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 924. Introduced by Abboud, 12; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 18-2521, 32-221, 32-224, 32-230, 32-231, 32-303, 32-401, 32-402, 32-559, 32-603, 32-606, 32-613, 32-614, 32-620, 32-701, 32-702, 32-706, 32-716, 32-801, 32-803, 32-808, 32-809, 32-816, 32-903, 32-904, 32-912, 32-1036, 32-1037, 32-1040, and 32-1547, Revised Statutes Supplement, 1994, and sections 32-101, 32-330, and 32-811, Revised Statutes Supplement, 1995; to provide a separate date for the presidential primary election; to change provisions relating to conducting elections and filing for office; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Schimek, 27; Abboud, 12.

A BILL FOR AN ACT relating to employment security; to amend section 48-604, Revised Statutes Supplement, 1995; to provide an exemption for AmeriCorp participants; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-702 and 25-21,180, Reissue Revised Statutes of Nebraska; to change joinder procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 927. Introduced by Brashear, 4; Lindsay, 9.

A BILL FOR AN ACT relating to sports agents; to adopt the Athlete Agent Registration and Accountability Act; to create a penalty; and to provide severability.

LEGISLATIVE BILL 928. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1254, and 81-1255, Reissue Revised Statutes of Nebraska; to change fund creation requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 929. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-906 and 28-1008, Reissue Revised Statutes of Nebraska; to redefine police animal; and to repeal the original section.

LEGISLATIVE BILL 930. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501, 77-3504, 77-3507, 77-3508, 77-3509, 77-3513, and 77-3514, Revised Statutes Supplement, 1995; to change the amount of certain homestead exemptions; to eliminate definitions and provisions used to calculate homestead exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-3501.01, 77-3505.01, 77-3505.03, and 77-3505.04, Revised Statutes Supplement, 1994, and sections 77-3505.02, 77-3506.02, and 77-3506.03, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 931. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to industrial development; to amend section 21-2308, Revised Statutes Supplement, 1995; to change provisions relating to the Nebraska Industrial Development Corporation Act; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 932. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-808, Reissue Revised Statutes of Nebraska; to provide pedestrian access to certain pioneer cemeteries; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to change a reference to the National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to agricultural land valuation; to amend sections 77-112, 77-1344, and 77-1359, Revised Statutes Supplement, 1994, and sections 77-1361 and 79-3809, Revised Statutes Supplement, 1995; to eliminate the Agricultural Land Valuation Advisory Board; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1366, Reissue Revised Statutes of Nebraska, and section 77-1367, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 935. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-102, Reissue Revised Statutes of Nebraska; to change provisions relating to classification of school districts; and to repeal the original section.

LEGISLATIVE BILL 936. Introduced by Kristensen, 37; Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Constitutional Revision Commission; to amend section 49-1601, Revised Statutes Supplement, 1995; to change the membership of the commission; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 937. 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; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor carriers; to amend section 60-4,138, Reissue Revised Statutes of Nebraska, section 60-4,146, Revised Statutes Supplement, 1994, and sections 75-363 and 75-364, Revised Statutes Supplement, 1995; to change provisions relating to commercial drivers' licenses; to adopt certain portions of the federal Motor Carrier Safety Regulations and updated federal Hazardous Material Regulations as Nebraska law; to change the applicability of the federal Motor Carrier Safety Regulations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 939. Introduced by Kristensen, 37; Crosby, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,197 and 60-6,205, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Supplement, 1995; to change provisions relating to operator's license applications and driving under the influence; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 940. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to psychologists; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to change provisions relating to hospital clinical privileges and staff membership; and to repeal the original section.

LEGISLATIVE BILL 941. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6408 and 44-6413, Revised Statutes Supplement, 1994; to permit insureds to reject uninsured and underinsured motor vehicle coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 942. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Convicted Sex Offender Act; to amend sections 29-2929, 29-2930, and 29-2932 to 29-2935, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to resentencing by the court; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2927 and 29-2931, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 943. Introduced by Hudkins, 21; Stuhr, 24.

A BILL FOR AN ACT relating to undercover agents; to eliminate a prohibition on inmates, parolees, and probationers being undercover agents; to change the admissibility of certain evidence; and to outright repeal section 29-2262.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 944. Introduced by Witek, 31.

A BILL FOR AN ACT relating to education; to state intent; and to define a term.

LEGISLATIVE BILL 945. Introduced by Witek, 31.

A BILL FOR AN ACT relating to property tax; to amend section 77-202, Revised Statutes Supplement, 1994, and section 77-202.08, Revised Statutes Supplement, 1995; to provide for exempt treatment of leased motor vehicles as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 946. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-324, Reissue Revised Statutes of Nebraska; to further provide for license plate visibility; and to repeal the original section.

LEGISLATIVE BILL 947. Introduced by Pirsch, 10; Bromm, 23; Cudaback, 36; Dierks, 40; Hudkins, 21; Jensen, 20; Jones, 43; Pedersen, 39; Schmitt, 41; Witek, 31.

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

LEGISLATIVE BILL 948. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,120.01, Revised Statutes Supplement, 1995; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 949. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1995; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 950. Introduced by Schimek, 27; Crosby, 29; Will, 8.

A BILL FOR AN ACT relating to special education; to amend section 79-3303, Reissue Revised Statutes of Nebraska, and section 79-3301, Revised Statute Supplement, 1995; to provide for braille instruction for

visually handicapped children as provided; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 951. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.40, Revised Statutes Supplement, 1995; to change a tax exemption relating to molds, dies, and patterns; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 952. Introduced by Maurstad, 30; Bernard-Stevens, 42.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change liability for vehicular pursuit; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 953. Introduced by Will, 8; Withem, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.01, Reissue Revised Statutes of Nebraska; to change county identification numbers on license plates; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Schimek, 27; Matzke, 47; Stuhr, 24.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-6615, Revised Statutes Supplement, 1994; to adopt the Hospice Licensure Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 955. Introduced by Witek, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 84-1309 and 84-1311, Reissue Revised Statutes of Nebraska, and sections 23-2308 and 23-2310, Revised Statutes Supplement, 1994; to change provisions relating to contributions to the employer account; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 956. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 33-101, Revised Statutes Supplement, 1995; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to offenses against animals; to amend section 28-1006, Reissue Revised Statutes of Nebraska, and sections 28-1011 and 28-1012, Revised Statutes Supplement, 1994; to provide for orders of reimbursement for animal care; to extend seizure of property provisions to other crimes; and to repeal the original sections.

LEGISLATIVE BILL 958. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to assessment of property; to amend section 77-1347, Reissue Revised Statutes of Nebraska, and section 77-1344, Revised Statutes Supplement, 1994; to change the special valuation provisions relating to agricultural or horticultural land use; and to repeal the original sections.

LEGISLATIVE BILL 959. Introduced by Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to alcohol and drug testing; to allow a physician or nurse to report results on accident victims to law enforcement and such results to be used as evidence; and to provide immunity.

LEGISLATIVE BILL 960. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to handgun certificates; to amend section 83-1068, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994; to provide duties for the Department of Public Institutions, the Department of Social Services, mental health boards, clerks of the district court, and the Nebraska State Patrol; to provide a penalty; to provide for confidentiality and immunity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 961. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care facilities; to amend section 71-2017.01, Revised Statutes Supplement, 1994; to change provisions regarding health clinics; and to repeal the original section.

LEGISLATIVE BILL 962. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-514, 17-973, and 19-4501, Reissue Revised Statutes of Nebraska; to authorize cities of the second class and villages to collect special assessments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 963. Introduced by Bromm, 23; Cudaback, 36; Jensen, 20; Maurstad, 30; Pirsch, 10; Witek, 31.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to change provisions relating to aggravating circumstances in applying the sentence of death; and to repeal the original section.

LEGISLATIVE BILL 964. Introduced by Cudaback, 36; Dierks, 40; Janssen, 15; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend section 32-559, Revised Statutes Supplement, 1994, and sections 32-101 and 32-202, Revised Statutes Supplement, 1995; to provide for special elections in certain political subdivisions to be conducted by mail; to provide powers and duties for the Secretary of State; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 965. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Elmer, 44; Hudkins, 21; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to the Pseudorabies Control and Eradication Act; to amend sections 54-2235 to 54-2237, 54-2244, 54-2254, 54-2260, 54-2263, 54-2277, 54-2282, 54-2287, 54-2288, 54-2290, 54-2294, 54-2296, and 54-2299, Reissue Revised Statutes of Nebraska; to change dates and requirements; to define and redefine terms; to provide exemptions; to provide for the payment for vaccine as prescribed; to change access provisions; to eliminate provisions on assessment of swine herds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-2272 to 54-2275, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 966. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cudaback, 36; Hudkins, 21; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to agriculture; to eliminate provisions relating to weather modification, the Agricultural Revitalization Authority Act, the Bureau of Dairies, Foods and Drugs, and a duplicate budget report; and to outright repeal sections 2-2401 to 2-2405, 2-2407 to 2-2408.01, 2-2409, 2-4701 to 2-4748, 81-229, 81-262, and 81-1113.02, Reissue Revised Statutes of Nebraska, section 2-2406, Revised Statutes Supplement, 1994, and section 2-2408.02, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 967. Introduced by Stuhr, 24; Bohlke, 33; Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-701, Reissue Revised Statutes of Nebraska, and section 32-542, Revised Statutes Supplement, 1994; to change provisions relating to certain school board elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 968. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1483, Revised Statutes Supplement, 1994; to change requirements relating to statements by lobbyists and principals; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-402, 44-32,180, 44-3602, 44-3603, 44-3604, 44-3607, 44-4040, and 44-4726, Reissue Revised Statutes of Nebraska, and section 44-6606, Revised Statutes Supplement, 1995; to change reserve provisions; to change provisions relating to medicare supplement policies; to change tax calculations; to change policy requirements; to change enforcement provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 970. Introduced by Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to child care; to amend sections 71-1911, 71-1912, and 71-1915, Revised Statutes Supplement, 1995; to provide inspections for child care programs, inspection fees, and civil penalties; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 276CA. Introduced by Withem, 14.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 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 three hundred forty-three 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.".

Sec. 2. 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 salaries for members of the Legislature.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 277CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 to 4:

III-2 "(1) The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall ~~be signed by seven percent of the~~ contain signatures of registered voters of the ~~state, and if~~ which, when added to bonus signatures if allowed under subsection (2) of this section, equal at least eight percent of the number of registered voters on the date of the most recent general election. If the petition be for the amendment of the Constitution, the petition ~~therefor shall be signed by ten percent of such registered voters~~ shall contain signatures of registered voters of the state which, when added to bonus signatures if allowed under subsection (2) of this section, equal at least twelve percent of the number of registered voters on the date of the most recent general election. 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.

(2) The special challenges of relying solely on volunteer petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered during a nonpaid petition drive shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Paid petition drive means a drive for signatures in which one or more circulators receive payment to collect signatures. Payment means compensation for collecting signatures other than reimbursement for travel and meals.

(3) The signed ~~, 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 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-3 "(1) The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall ~~be signed by not less than five percent of the~~ contain signatures of registered voters of the state which, when added to bonus signatures if allowed under subsection (3) of this section, equal at least six percent of the number of registered voters on the date of the most recent general election, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

(2) When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition containing signatures of ~~signed by not less than ten percent of the~~ registered voters of the state which, when added to bonus signatures if allowed under subsection (3) of this section, equal at least twelve percent of the number of registered voters on the date of the most recent general

election distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.

(3) The special challenges of relying solely on volunteer petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered during a nonpaid petition drive shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Paid petition drive means a drive for signatures in which one or more circulators receive payment to collect signatures. Payment means compensation for collecting signatures other than reimbursement for travel and meals."

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five per cent of the total vote cast at the election at which the same was submitted, 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 upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan 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 and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 278CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

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 for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. 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 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. Initiative measures shall contain only one subject.".

Sec. 2. 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 initiative measures to contain only one subject.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 279CA. Introduced by Cudaback, 36.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and ~~the~~ State Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. 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 or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. ~~, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office.~~ Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.".

Sec. 2. 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 residency requirements for executive officers of the state.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 280CA. Introduced by Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1:

VII-1 "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The right of parents to direct the education of their children shall not be infringed. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.".

Sec. 2. 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 right of parents to direct the education of their children shall not be infringed.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 281CA. Introduced by Dierks, 40.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 to 4:

III-2 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the votes cast for Governor at the

general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-3 "The second power reserved is the referendum which may be invoked~~, by petition~~, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days.~~

~~Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than ten percent of the~~ registered voters ~~of the state distributed as aforesaid~~ equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition distributed so as to include signatures equal in number to at least five percent of the votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of ~~the~~ this Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, ~~entitled, "Amendments"~~ and the latter shall in no case be construed to conflict ~~herewith~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. ~~All propositions submitted in pursuance hereof~~ Initiative and referendum measures shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the

number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 reduce the number of signatures required on initiative and referendum petitions.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Wickersham asked unanimous consent to print the following amendment to LB 847 in the Journal. No objections. So ordered.

(Amendment, AM2684, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Witek asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

FA369

Amend AM 1606 to LB 886 by striking section 21.

Mrs. Witek asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

(Amendment on file in the Clerk's Office - Room 2018 - AM2687.)

Mrs. Witek asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

FA370

Amend AM 1606 to LB 886, on page 29, line 8, after the period, insert: "Members of the commission shall not be state employees except for the Commissioner of Labor."

Mrs. Witek asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

FA371

Amend AM 1606 to LB 886 by striking the new matter starting on page 25, line 26 to page 26, line 17.

Mr. Wesely asked unanimous consent to print the following amendment to LR 17CA in the Journal. No objections. So ordered.

AM0989

(Amendments to Standing Committee amendments, AM0265)

1. On page 1, strike beginning with "for" in line 9 through line 20, show the old matter as stricken, and insert "annually, with a long session and a short session on an alternating basis. Beginning with the year 1996, in each even-numbered year a long session shall commence at 10 a.m. on the fifth Wednesday after the general election and shall reconvene for a seventy-five-day period which begins at 10 a.m. on the first Wednesday after the first Monday in January of the following year. A short session shall commence the following year at 10 a.m. on the first Wednesday after the first Monday in January for a sixty-day period.

The terms of the members of the Legislature shall commence on the first day of the long legislative session and notwithstanding the provisions of Article III, section 7, of this Constitution, the terms of their predecessors shall terminate on such date.

The duration of regular sessions shall not exceed the time specified in this section".

2. On page 2, line 2, strike "seventy-five-day" and insert "long"; in line 3 strike "sixty-day" and insert "short"; and strike beginning with the second "the" in line 24 through "seventy-five-day" in line 27 and insert "legislative sessions, the date on which the Legislature will convene the long".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 253. No objections. So ordered.

Messrs. Withem and Will asked unanimous consent to have their names added as cointroducers to LB 414A. No objections. So ordered.

ADJOURNMENT

At 11:05 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, January 4, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SECOND DAY - JANUARY 4, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 4, 1996

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. Lindsay and Lynch who were excused; and Messrs. Avery, Chambers, and Wesely 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 4, 1996.

The motion prevailed.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282. Introduced by Robak, 22.

WHEREAS, Humphrey St. Francis High School claimed the 1995 Class D-2 State High School Football Championship; and

WHEREAS, The Flyers ended their season with a 12-1 record; and

WHEREAS, Humphrey was rated first in the state polls by both Omaha and Lincoln papers.

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

1. That the Legislature extend its congratulations and best wishes to Coach Glen Koski and members of the team.

2. That a copy of this resolution be sent to Glen Koski at Humphrey St. Francis High School.

Laid over.

LEGISLATIVE RESOLUTION 283. Introduced by Robak, 22.

WHEREAS, The Class C-1 State Volleyball Championship was won by Scotus Central Catholic High School; and

WHEREAS, The Shamrocks defeated Grand Island Central Catholic, 15-5, 15-9, for the title; and

WHEREAS, Scotus Central Catholic has had three undefeated seasons in ten years as well as three state titles.

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

1. That the Legislature extend its congratulations and best wishes to Coach John Petersen and members of the team.

2. That a copy of this resolution be sent to John Petersen at Scotus Central Catholic High School.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 148 in the Journal. No objections. So ordered.

FA372

Amend AM0744

1) Insert the following new section:

"Sec 8. In no way shall this act be construed to apply to certified teachers or to any certification requirements for teaching in the State of Nebraska."

2) Renumber the remaining sections accordingly.

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

To indefinitely postpone LB 148.

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

To refer LB 148 back to committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 971. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4927 and 77-4928, Revised Statutes Supplement, 1995; to change the amount of tax and wage benefit credits available; and to repeal the original sections.

LEGISLATIVE BILL 972. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to charitable gifts; to adopt the Charitable Gift Annuity Act; and to declare an emergency.

LEGISLATIVE BILL 973. Introduced by Lindsay, 9; Hartnett, 45; Landis, 46.

A BILL FOR AN ACT relating to institutional funds; to adopt the Uniform Management of Institutional Funds Act; and to provide severability.

LEGISLATIVE BILL 974. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,121, Reissue Revised Statutes of Nebraska; to provide for the issuance of operator's licenses without examination as prescribed; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-117, 60-129 to 60-131, 60-315, and 60-2603, Reissue Revised Statutes of Nebraska, section 60-106, Revised Statutes Supplement, 1994, and section 60-302, Revised Statutes Supplement, 1995; to change requirements for salvage certificates of title; to provide for nonrepairable, rebuilt salvage, and flood vehicle titles; to define terms; to change penalty provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 976. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 29-2532 to 29-2546, Reissue Revised Statutes of Nebraska; to provide certain duties for the Director of Correctional Services with respect to the death penalty; to eliminate certain duties of the warden with respect to the death penalty; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 977. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to pioneer cemeteries; to amend section 12-811, Reissue Revised Statutes of Nebraska; to change limits on maintenance expenditures; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to legal notices; to amend sections 2-206, 2-2431, 16-802, 17-939, 22-210, 23-122, 25-519, 25-2228, 46-142, 46-271, 46-568, 54-304, and 54-314, Reissue Revised Statutes of Nebraska; to change and eliminate certain publication requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-1712, 77-1713, and 77-1714, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 979. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321, 17-568.01, 48-1501, and 48-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to public works contracts and bids; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 980. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to special assessments; to amend section 70-408, Reissue Revised Statutes of Nebraska; to authorize assessments on unpaid charges for electrical energy; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to emergency medical care; to amend section 71-5508, Revised Statutes Supplement, 1994; to change provisions relating to Emergency Medical Technician-Intermediate Service Program certification; and to repeal the original section.

LEGISLATIVE BILL 982. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to veterans; to provide for creation of a state veteran cemetery system; to create a fund; and to provide duties.

LEGISLATIVE BILL 983. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-316, Reissue Revised Statutes of Nebraska; to change provisions relating to violation of custody; to create a penalty; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1995; to change provisions relating to references to the code; and to repeal the original section.

LEGISLATIVE BILL 985. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-4,248, Revised Statutes Supplement, 1995; to change computer network funding from grants to loans; and to repeal the original section.

LEGISLATIVE BILL 986. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Robak, 22; Witek, 31; Wehrbein, 2; and Maurstad, 30.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1515, 81-2034, and 84-1325, Reissue Revised Statutes of Nebraska, section 24-701, Revised Statutes Supplement, 1994, and sections 23-2331, 79-1043, 79-1501.01, 81-2014, 84-1331, and 84-1503, Revised Statutes Supplement, 1995; to change provisions relating to military service credit and rollover contributions and distributions; to define terms; to provide a duty for the Public Employees Retirement Board; to correct an internal reference; to harmonize provisions; and to repeal the original sections.

MOTION - Chairperson of Executive Board

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

Mr. Beutler moved for a call of the house. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

The motion prevailed.

Mr. Vrtiska placed his name in nomination.

Mr. Coordsen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Messrs. Elmer, Hilgert, and Klein as tellers.

Vrtiska	24
Coordsen	22
	46

The Chair declared that neither candidate received the necessary 25 votes. A second ballot will be taken at a subsequent date.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 886. Standing Committee amendment, AM1606, printed separately from the Journal and referred to on page 1730 and considered on page 2437, First Session, 1995, was renewed.

Mr. Chambers renewed his pending amendment, AM2429, on file in the Clerk's Office and referred to on page 2437, First Session, 1995, to the Standing Committee amendment.

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

Mr. Chambers withdrew his amendment, AM2429.

Mrs. Witek renewed her pending amendment, FA369, found in the Journal on page 201, to the Standing Committee amendment.

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

MR. WILL PRESIDING

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 2:

Pirsch	Witek

Voting in the negative, 9:

Beutler	Engel	Klein	Schimek	Will
Crosby	Hilgert	Matzke	Warner	

Present and not voting, 34:

Abboud	Brown	Hillman	Maurstad	Schrock
Avery	Chambers	Hudkins	McKenzie	Stuhr
Bernard-Stevens	Cudaback	Janssen	Preister	Vrtiska
	Dierks	Jensen	Robak	Wehrbein
Bohlke	Elmer	Jones	Robinson	Wesely
Brashear	Fisher	Kristensen	Schellpeper	Wickersham
Bromm	Hartnett	Landis	Schmitt	Withem

Excused and not voting, 4:

Coordsen	Lindsay	Lynch	Pedersen

The Witek amendment lost with 2 ayes, 9 nays, 34 present and not voting, and 4 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 987. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2704.12, Revised Statutes Supplement, 1994; to exempt purchases by nonprofit organizations whose volunteers build and donate homes; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 988. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to child abuse; to amend sections 28-711, 28-713, 28-713.01, and 28-726, Reissue Revised Statutes of Nebraska; to provide child's caretaker with notification of and access to reports of abuse; and to repeal the original sections.

LEGISLATIVE BILL 989. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 1995; to provide for certain general school purposes grants; and to repeal the original section.

LEGISLATIVE BILL 990. Introduced by Matzke, 47, at the request of the Governor.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to change the definition of aggravating circumstances; and to repeal the original section.

LEGISLATIVE BILL 991. Introduced by Jensen, 20; Engel, 17; Pirsch, 10; Stuhr, 24; Witek, 31.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1802, Reissue Revised Statutes of Nebraska; to clarify conditions under which visitation may be sought; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Jensen, 20; Brashear, 4; Pirsch, 10; Robinson, 16; Withem, 14.

A BILL FOR AN ACT relating to public contracts; to define terms; and to provide for retainage from payments as prescribed.

LEGISLATIVE BILL 993. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Bernard-Stevens, 42; Chambers, 11; Hudkins, 21; Pedersen, 39; and Warner, 25.

A BILL FOR AN ACT relating to district attorneys and district public defenders; to amend sections 23-1201, 23-1202, 23-1206, 23-1212, 23-1216 to 23-1220, 23-1222, 23-1223, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, sections 29-3903, 29-3904, 29-3918, and 32-567, Revised Statutes Supplement, 1994, and section 23-1206.01, Revised Statutes Supplement, 1995; to create district attorney and district public defender offices and districts; to provide powers and duties; to provide for the filling of vacancies; 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 eliminate provisions relating to public defenders; to eliminate the County Revenue Assistance Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3402 to 23-3408, Reissue Revised Statutes of Nebraska, sections 23-3401, 29-3909 to 29-3917, and 32-523, Revised Statutes Supplement, 1994, and sections 29-3919 to 29-3931, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 994. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Bernard-Stevens, 42; Chambers, 11; Hudkins, 21; Pedersen, 39; and Warner, 25.

A BILL FOR AN ACT relating to district courts; to amend sections 11-126, 23-102, 23-121, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 24-345, 25-1625, 33-106.02, and 33-131, Reissue Revised Statutes of Nebraska, section 11-125, Revised Statutes Supplement, 1994, and sections 11-119 and 23-120, Revised Statutes Supplement, 1995; to

change the status of clerks and employees of the district courts; to eliminate election of clerks of the district court; to provide for salaries and benefits; to change duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-524, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 995. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Bernard-Stevens, 42; Chambers, 11; Hudkins, 21; Pedersen, 39; and Warner, 25.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-102.02, 14-213, 14-221, 15-314, 15-406, 16-122, 17-112, 17-405.04, and 18-1706, Reissue Revised Statutes of Nebraska, sections 13-1801, 13-2101, 14-101, 14-102, 14-815, 17-121, and 18-1201, Revised Statutes Supplement, 1994, and sections 17-107 and 17-208, Revised Statutes Supplement, 1995; to eliminate police authority from cities and villages; to harmonize provisions; to repeal the original sections; and to outright repeal sections 14-601 to 14-609, 16-225, 16-323, 17-118, 17-124, 17-213, 18-1703, and 18-1704, Reissue Revised Statutes of Nebraska, and section 15-326, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 996. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Abboud, 12; Bernard-Stevens, 42; Chambers, 11; Hudkins, 21; Pedersen, 39; Robak, 22; and Warner, 25.

A BILL FOR AN ACT relating to jails; to amend sections 15-263, 15-264, 16-225, 16-246, 16-252, 16-323, 16-6,100, 17-118, 17-127, 17-222, 17-505, 17-566, 23-1703, 47-115, 47-202, 47-206, 47-207, 47-208, 47-302, 47-305, 47-501, 47-603, and 47-617, Reissue Revised Statutes of Nebraska, sections 10-409, 16-239, and 19-1302, Revised Statutes Supplement, 1994, and section 47-303, Revised Statutes Supplement, 1995; to provide that cities of the first and second classes, villages, and certain counties maintain jails under Interlocal Cooperation Act agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 997. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Bernard-Stevens, 42; Chambers, 11; Hudkins, 21; Robak, 22; and Warner, 25.

A BILL FOR AN ACT relating to jails; to amend sections 15-264, 16-252, 17-566, 29-3809, 47-110, 47-111, 47-112, 47-120, 47-121, 47-307, 83-423, and 83-424, Reissue Revised Statutes of Nebraska, and section 29-1002, Revised Statutes Supplement, 1994; to require the state to pay the costs of prisoners in county jails who violated state law; to harmonize provisions; to eliminate a definition and costs paid by the county; to repeal the original sections; and to outright repeal

sections 29-1004, 29-1005, and 47-119, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 998. Introduced by Landis, 46.

A BILL FOR AN ACT relating to defamation; to adopt the Uniform Correction or Clarification of Defamation Act; and to provide severability.

LEGISLATIVE BILL 999. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-102, 79-102.01, 79-210, 79-402, 79-402.03, 79-402.07, 79-402.13, 79-402.17, 79-402.20, 79-403, 79-426.02, 79-426.05, 79-426.11, 79-426.15, 79-426.23, 79-426.27, 79-426.28, 79-432, 79-437.03, 79-438.12, 79-451, 79-458, 79-490, 79-4,105.01, 79-4,141.01, 79-4,153, 79-4,158.01, 79-519, 79-521, 79-541, 79-542, 79-546.01, 79-547.02, 79-547.04, 79-550, 79-552, 79-603, 79-801, 79-12,111, 79-1303, 79-2203, 79-2504, 79-3805, and 79-3808, Reissue Revised Statutes of Nebraska, sections 23-3302, 23-3305, and 32-570, Revised Statutes Supplement, 1994, and sections 79-3803, 79-3804, and 79-3806, Revised Statutes Supplement, 1995; to require the merger of Class I and Class VI school districts as prescribed; to eliminate provisions relating to Class VI districts; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-102.02, 79-438.13, 79-1101, 79-1103, 79-1103.05, and 79-1104 to 79-1112, Reissue Revised Statutes of Nebraska, and section 32-546, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 1000. Introduced by Withem, 14; Avery, 3; Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1995; to exempt medical alarm equipment from taxation; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1001. Introduced by Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to children; to amend section 43-246, Reissue Revised Statutes of Nebraska, and section 43-533, Revised Statutes Supplement, 1995; to change provisions relating to out-of-home placement; and to repeal the original sections.

LEGISLATIVE BILL 1002. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to real property; to amend section 76-2005, Reissue Revised Statutes of Nebraska; to provide an exclusion

from the statutory rule against perpetuities; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1995; to exempt purchases by nonprofit entities which coordinate construction of homes for low-income individuals; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1004. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to school health services; to provide for registered nurse supervision and duties for the Department of Health.

LEGISLATIVE BILL 1005. Introduced by Kristensen, 37; Schimek, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Supplement, 1995; to redefine a term; to exclude services performed by an officer of a fraternity or sorority; to correct an internal reference; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1003, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency telephone services; and to repeal the original section.

LEGISLATIVE BILL 1007. Introduced by Landis, 46.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-317, Reissue Revised Statutes of Nebraska; to change provisions relating to city treasurers; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6405 and 44-6408, Revised Statutes Supplement, 1994; to change provisions relating to uninsured and underinsured motor vehicle insurance coverages; to provide an operative date; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 886. Mrs. Witek renewed her pending amendment, AM2687, on file in the Clerk's Office and referred to on page 201, to the Standing Committee amendment.

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

SPEAKER WITHEM PRESIDING

Mr. Coordsen 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 record vote on her amendment.

Voting in the affirmative, 6:

Avery	Jensen	Pirsch	Schrock	Witek
Chambers				

Voting in the negative, 36:

Abboud	Cudaback	Janssen	Pedersen	Vrtiska
Bernard-	Elmer	Jones	Preister	Warner
Stevens	Engel	Klein	Robak	Wehrbein
Beutler	Fisher	Kristensen	Robinson	Wesely
Bohlke	Hartnett	Landis	Schellpeper	Wickersham
Brashear	Hilgert	Matzke	Schimek	Will
Brown	Hillman	McKenzie	Stuhr	Withem
Crosby	Hudkins			

Present and not voting, 4:

Bromm	Dierks	Maurstad	Schmitt

Excused and not voting, 3:

Coordsen	Lindsay	Lynch

The Witek amendment lost with 6 ayes, 36 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1009. Introduced by Bromm, 23; Brown, 6; Cudaback, 36; Jensen, 20; Jones, 43; Maurstad, 30; Pirsch, 10; Robinson, 16; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction proceedings; to establish limits on postconviction proceedings; and to repeal the original section.

LEGISLATIVE BILL 1010. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to revenue collection and fees; to amend section 77-1702, Reissue Revised Statutes of Nebraska, and sections 23-1601, 60-302, and 60-6,322, Revised Statutes Supplement, 1995; to authorize the use of credit cards and debit cards for payments; and to repeal the original sections.

LEGISLATIVE BILL 1011. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend sections 2-954, 3-705, 13-1303, 14-1706, 14-1803, 23-114.01, 23-153, 23-1112.01, 23-1210, 23-1223, 23-1724, 23-1820, 23-2505, 23-3311, 23-3503, 23-3535, 23-3589, 31-219, 33-116, 33-117, 39-869, 39-1643, 51-313, 51-314, 71-5005, 71-5006, 77-417, 79-426.05, 80-101, 81-531, and 83-337, Reissue Revised Statutes of Nebraska, and sections 2-953.02, 3-502, 3-611, 23-1112, 32-233, 71-1524, 71-1631, and 77-1380, Revised Statutes Supplement, 1994; to change provisions relating to mileage reimbursement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1012. Introduced by Will, 8.

A BILL FOR AN ACT relating to athlete agents; to adopt the Nebraska Athlete Agent Registration Act; to provide powers and duties for the Secretary of State; to provide fees; and to provide penalties.

LEGISLATIVE BILL 1013. Introduced by Brown, 6; Bromm, 23; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Maurstad, 30; Pedersen, 39; Preister, 5; Robak, 22; Stuhr, 24; Wehrbein, 2; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418.02 to 48-418.04, 48-418.06, 48-418.07, 48-418.11, 48-418.12, and 48-418.14, Reissue Revised Statutes of Nebraska, and section 48-418.10, Revised Statutes Supplement, 1994; to provide for a waiver

of certain standards; to create an advisory committee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1014. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-205, 79-321, 79-339, 79-402.13, 79-402.20, 79-406, 79-407, 79-411, 79-426.08, 79-428, 79-443, 79-4,122, 79-4,140.08, 79-4,225, 79-4,239, 79-703.01, 79-1109, 79-1247.11, 79-12,104, 79-1428, 79-1429, 79-1501, 79-1513, 79-1514.01, 79-1514.05, 79-1522, 79-1522.01, 79-1523, 79-1535, 79-1901, 79-1903, 79-1907, 79-1908, 79-1913, 79-2001, 79-2006, 79-2007, 79-2101, 79-2102, 79-2103, 79-2106.01, 79-2109, 79-2110, 79-2112, 79-2203, 79-2208, 79-3330, 79-3402, 79-3415, 79-3806, 79-3807, 79-3808, 79-3811, 79-4001, and 79-4002, Reissue Revised Statutes of Nebraska, and sections 9-812, 79-1032, 79-1233, 79-1501.01, and 79-3803, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to schools, education, penalties, and school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-402.17 to 79-402.19, 79-403, 79-403.01, 79-478 to 79-485, 79-4,140.04 to 79-4,140.07, 79-4,143, 79-4,226, 79-4,234 to 79-4,238, 79-1105, 79-1108, 79-1276 to 79-1279, 79-1320 to 79-1327, 79-2202.02, 79-2301 to 79-2317, 79-3319, 79-3417, 79-3601 to 79-3606, 79-3901 to 79-3910, and 79-4004, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1015. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 53-138.01, 79-101, 79-102, 79-402.09, 79-402.12, 79-423, 79-425, 79-426.15, 79-426.19, 79-428, 79-452, 79-504, 79-505, 79-507, 79-508, 79-519, 79-541, 79-542, 79-601, 79-601.01, 79-606, 79-607, 79-610, 79-701, 79-801, 79-803.03, 79-1109, 79-1302, and 79-2203, Reissue Revised Statutes of Nebraska, sections 66-528 to 66-530, Revised Statutes Supplement, 1994, and sections 15-847 and 77-2306, Revised Statutes Supplement, 1995; to define and redefine terms; to provide for funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1016. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 43-2505, 79-328, 79-329, 79-4,147, 79-1247.16, 79-1911, 79-2001 to 79-2007, 79-2010 to 79-2012, 79-2213, 79-3306.01, 79-3309, 79-3310, 79-3311, 79-3313 to 79-3317, 79-3319, 79-3320, 79-3323, 79-3324, 79-3326 to 79-3331, 79-3332.01, 79-3335, 79-3337, 79-3340 to 79-3345, 79-3348 to 79-3350, 79-3352, 79-3354, 79-3355, 79-3357, 79-3407, 79-3410,

79-3703, and 79-3903, Reissue Revised Statutes of Nebraska, and sections 79-348, 79-1345, 79-2009.01, 79-3301, 79-3322, 79-3325, 79-3332, 79-3333, and 81-1108.22, Revised Statutes Supplement, 1995; to redefine terms; to rename the Nebraska School for the Visually Handicapped; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1738, 18-1740, and 18-1741, Revised Statutes Supplement, 1995; to change provisions relating to parking permits for handicapped or disabled persons; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 1018. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1995; to change provisions relating to overweight vehicles; to provide for a waiver; and to repeal the original section.

LEGISLATIVE BILL 1019. Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2308, Revised Statutes Supplement, 1994; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1020. Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend sections 76-2301, 76-2303, and 76-2321, Revised Statutes Supplement, 1994; to define a term; to provide for permanent marking of underground facilities on agricultural land; to change notice requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1021. Introduced by Wesely, 26, at the request of the Governor.

A BILL FOR AN ACT relating to the Convicted Sex Offender Act; to amend sections 29-2929, 29-2930, 29-2934, and 29-2935, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to resentencing by the court; to provide for an individual discharge plan; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2927, 29-2931, 29-2932, and 29-2933, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1022. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to child care programs; to amend section 71-1911, Revised Statutes Supplement, 1995; to change licensing requirements; and to repeal the original section.

LEGISLATIVE BILL 1023. Introduced by McKenzie, 34; Bernard-Stevens, 42; Bohlke, 33; Bromm, 23; Hartnett, 45; Maurstad, 30; Stuhr, 24.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 25-2911, Reissue Revised Statutes of Nebraska, and section 79-3301, Revised Statutes Supplement, 1995; to provide for mediation for disputes under the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1024. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to special education; to amend section 79-3349, Reissue Revised Statutes of Nebraska; to provide for hearings relating to the type or discontinuance of services; and to repeal the original section.

LEGISLATIVE BILL 1025. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.24 and 77-2715.07, Revised Statutes Supplement, 1994, and section 77-2701, Revised Statutes Supplement, 1995; to provide for a sales tax on food; to establish procedures for a sales tax credit; to state intent; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1026. Introduced by Schellpeper, 18; Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Reissue Revised Statutes of Nebraska; to change provisions relating to vehicle length limits; and to repeal the original section.

LEGISLATIVE BILL 1027. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,233, Reissue Revised Statutes of Nebraska; to change provisions relating to flashing or rotating lights; and to repeal the original section.

LEGISLATIVE BILL 1028. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-105, 2-512, 9-103, 9-104, 9-105, 9-106, 9-304, 9-305,

and 9-405, Uniform Commercial Code; to adopt uniform provisions relating to letters of credit; to eliminate provisions governing letters of credit; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 5-101 to 5-117, Uniform Commercial Code.

RESOLUTIONS

LEGISLATIVE RESOLUTION 284CA. Introduced by Withem, 14; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add new sections 1 to 5 to Article XVIII:

XVIII-1 "No tax increase or spending increase over the prior fiscal year shall be enacted, made or allowed by or for the State of Nebraska or any local governmental subdivision for 3 years, meaning the fiscal years beginning in the 12 month periods starting on or after July 1, 1997, July 1, 1998, and July 1, 1999, unless (a) it is approved by the registered voters resident in such government unit or (b) it is necessary on account of population growth or temporary emergency. After those 3 years, no tax increase or spending increase over the prior fiscal year shall be enacted, made or allowed by or for the State of Nebraska or any local governmental subdivision for a fiscal year unless (a) it is approved by the registered voters resident in such government unit, (b) it is necessary on account of population growth or temporary emergency or (c) it is necessary on account of inflation. The following definitions and provisions apply to this Article:

a. Prior fiscal year means the immediately prior fiscal year, except that for the fiscal year beginning on or after July 1, 1997, and before July 1, 1998, the prior fiscal year shall be the fiscal year beginning on or after July 1, 1995, and before July 1, 1996;

b. Tax increase means an increase in total tax revenue of the State or local governmental subdivision in excess of total tax revenue of the prior fiscal year, whether due to an increase in tax levy, tax rate, a growth in the tax base, a change in the definition of the tax base or otherwise. Tax increase also means any legislative action by a governing body that expands the definition of the tax base or which changes any element of a tax due calculation which increases the tax due from, or reduces the tax refund due to, any group of taxpayers;

c. Spending increase means an increase in total spending of tax revenue by the State or local governmental subdivision, in excess of total spending of tax revenue of the prior fiscal year, whether from the general fund or otherwise, and whether referred to as an appropriation,

budget of expenditures or otherwise. Amounts received or spent to pay off an approved bond shall not be included in the tax increase or spending increase calculations. An approved bond means a bond duly approved by the voters or a bond of a type specifically authorized by this Constitution that does not require voter approval. If the State reduces the amount of total tax revenue it distributes to local governmental subdivisions as State aid funds, the spending limit levels of the State shall decrease by the amount of such reduction;

d. Tax revenue means the receipts from the imposition by a government unit of any property, income, sales or other tax or levy, or any government fee or charge in lieu of a tax or levy. Tax revenue specifically does not include receipts from: federal taxes; federal grants; private grants; public utility services; public hospital services; sporting, entertainment and recreational events; fuel taxes used for public highways and roads; or aircraft fuel taxes used for public airports. Tax revenue specifically includes receipts by or for a local governmental subdivision of State aid funds;

e. Tax base means the property, property values, income, deductions, exclusions, sales, persons, transactions, events or other units of measurement to which the tax rate or credits are applied to determine tax liability;

f. Inflation means the cumulative increase after July 1, 2000, in consumer prices, as measured by the lesser of (i) the cost of living adjustment used by the United States for determining Social Security benefit payments or (ii) the United States Bureau of Labor Statistics Consumer Price Index (all items, all consumers), or any respective successor index or agency. The tax and spending limits shall increase proportionately with inflation;

g. Population growth means the cumulative change after July 1, 1997, (i) in the number of full-time equivalent students, as to local school districts, and (ii) as to all other government units, in the number of individuals resident within such government unit, as measured by United States Department of Commerce, Bureau of the Census (or its successor) data. If population in a government unit increases or decreases, the tax and spending limits shall increase or decrease proportionately. To the extent annual changes are estimated, the actual population growth and its effect on tax and spending limit levels shall be corrected upon completion of the next succeeding census;

h. Temporary emergency means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action in order to protect the public health or safety of Nebraska residents. Temporary emergency specifically excludes tax revenue shortfalls, changes in the economy, and compensation increases to government unit employees. The governing body shall declare whether a temporary emergency exists. A temporary emergency declaration shall expire after six months, unless the governing body declares the emergency still exists. A tax increase or spending increase due to a temporary emergency shall not be part of the tax or spending limit calculations for determining future tax increases or spending increases;

i. State means the State of Nebraska;

j. Government unit means the State or any local governmental subdivision of the State. Local governmental subdivision means any Nebraska government entity other than the State that receives or spends tax revenue;

k. Governing body means, as to the State, the Legislature, and as to each local governmental subdivision, the body charged with setting the tax rates or appropriation of expenditures;

l. Approved by the registered voters means approved by a majority of the registered voters voting on the proposal at any primary or general election, or at any special election called by four-fifths of the members of the governing body of such government unit for the purpose of submitting such proposal to the registered voters. In addition, the votes cast in favor of such proposal shall not be less than thirty-five percent of the total votes cast at such primary or general election, and not less than thirty-five percent of the registered voters resident in such government unit when the proposal is on the ballot at a special election; and

m. If for fiscal years beginning on or after July 1, 1997, the United States Government decreases the level of funding paid to a government unit without a corresponding decrease in the scope or cost of the program, product or service that it requires that government unit to provide, or if it requires an increase in the scope or cost of a program, product or service that it requires a government unit to provide without a corresponding increase in the level of funding, then a tax increase and spending increase shall be permitted to the extent (and only for as long as) needed to pay for the cost of such unfunded federal mandate, as reasonably determined and documented by the respective governing body and verified by independent audit."

XVIII-2 "The following provisions shall be applied to implement this Article:

a. Any tax increase or spending increase proposal to be submitted for approval to the registered voters must first be approved by two-thirds of the members of the governing body proposing the increase. Such proposal must thereafter be prominently displayed once a week for a minimum of three successive weeks immediately preceding such election in the largest newspaper (by paid subscription) of general circulation within the geographic boundaries of such government unit. Prominent display means at least a half page notice. Such notice shall describe in reasonable detail (i) the amount of the proposed annual spending increase or tax increase, (ii) any proposed changes in tax levy, tax rates or definition of the tax base, and (iii) the amount of the spending increases and tax increases of such government unit for the three preceding fiscal years. Such notice shall also list by name, and where applicable by district, the members of the governing body who voted for and against such proposal in the vote taken to obtain final passage of such proposal by the governing body. The government unit shall pay the costs of submitting the proposal to the voters. The budget process of a governing body shall include sufficient

details and records to document each tax increase or spending increase proposal and each tax increase or spending increase authorized as being necessary on account of inflation, population growth, temporary emergency or unfunded federal mandate; and

b. When a budget, tax levy or tax rate is to be established or maintained for a government unit, the governing body of such unit shall calculate the tax levies or rates to be applied for such budget year or years. During this process, the governing body shall project the tax revenue. If a tax increase is projected on account of a growth in the tax base, and such tax increase exceeds the amount needed to pay for spending permitted by this Article, then, as to local governmental subdivisions, the property tax levies or rates shall be reduced, and as to the State, the income tax primary rate shall be reduced, by the governing body so that such a tax increase in excess of the amount needed to pay for permitted spending does not occur. At the next session of such governing body when actual tax revenue has been determined, the difference between projected and actual tax revenue shall be applied to the subsequent budget year to determine and adjust the tax levies or rates for such year so as to avoid an unpermitted tax increase or an unrequired decrease."

XVIII-3 "Unless the State pays the cost, the State may not enact any statutes, regulations or rulings which require a local governmental subdivision to provide any new public program, product or service (other than to the extent necessary to comply with this Constitution or the United States Government)."

XVIII-4 "Any two or more contiguous or noncontiguous government units may merge functions, services or the units themselves. Mergers may occur across county lines. A dissolution of a government unit or a merger shall require only the approval by majority vote of the respective governing bodies. Upon a merger of government units, the determination of whether a tax increase or spending increase occurs shall be based on the combined tax revenue and spending of the merged government units, allocated as determined by agreement of the respective governing bodies. No new government unit may be created unless approved by the registered voters that would be resident in such unit. No approval of any other government unit shall be needed for, and no other government unit may override, any dissolution of a government unit or any merger. Any governing body may appoint a commission to review, and to recommend changes to or elimination of, the programs and operations of its government unit, which the governing body may determine to accept in part or in total. This section shall not amend, supersede or repeal Article IX relating to counties."

XVIII-5 "This Article shall be effective beginning January 1, 1997. No legislative or executive action shall be needed to implement this Article. The governing bodies shall pass such laws and take such actions as may be necessary or appropriate to help carry out this Article. The provisions of this Article shall be applied and enforced notwithstanding, and shall take precedence over, any and all other

provisions of this Constitution or Nebraska law to the contrary. Since all portions of this Article have a material and necessary connection with one another, are interdependent and are part of one general subject, this Article constitutes one amendment to the Constitution; however if any part of this Article shall be held invalid or unconstitutional, this shall not affect the validity or constitutionality of the remaining provisions. Any taxpayer shall have standing to sue in the courts of this State, either singly or on behalf of a class in a class action, to enforce the provisions of this Article, to require injunctive relief while such suit is pending, and to obtain a refund of unconstitutionally assessed taxes. A taxpayer who is successful shall be reimbursed reasonable attorney's fees and expenses, payable by the defendant. This Article shall not prohibit a government unit from establishing reasonable reserves as required by law or as determined to be necessary and appropriate by the respective governing body in carrying out its governmental purposes, provided a principal purpose of the reserve may not be to circumvent this Article. If an amendment or amendments to the Constitution are approved at the general election in November, 1996, which add a new section 30 to Article III, a new section 9A to Article VII, or a new section 3 to Article XVI or which amend Article VII, section 1, or Article VIII, sections 1 or 5, such changes are repealed.".

Sec. 2. 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 limit tax increases and government spending for state and local government, to prohibit unfunded mandates by state government, to authorize mergers of government units, and to repeal another constitutional amendment.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 285CA. Introduced by Withem, 14; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 28 to Article I, and new sections 14 to Article VIII:

I-28 "The government shall not make or enforce any law which shall abridge the privileges or immunities of any citizen of the State of Nebraska; nor shall the State of Nebraska deprive any person of life, liberty, or property, without due process of law; nor deny to any

person within its jurisdiction, regardless of race, sex, age, religious beliefs, or national origin, equal treatment and protection of the laws. This section becomes effective immediately upon voter approval and overrides all other contrary provisions of this Constitution and laws."

VIII-14 "Notwithstanding any other provisions to the contrary in this Constitution, no tax levy shall be made upon the property of any citizen (tangible and intangible, real and personal property or either of them.) This section becomes effective January 1, 1998. This section overrides all other provisions to the contrary in this Constitution and laws."

VIII-15 "Article VIII, sections 15 to 21, take effect January 1, 1998. They shall restrain growth of government. All provisions are self-executing and severable and supersede conflicting state constitutional, state statutory, charter, or other state or local provision. Other limits on revenue, spending, and debt may be weakened only by future voter approval. Individual or class action enforcement suits may be filed and shall have the highest civil priority of resolution. Successful plaintiffs are allowed costs and reasonable attorney's fees, but a district is not awarded costs or attorney's fees unless a suit against it be ruled frivolous. Revenue collected, kept, or spent illegally since four fiscal years before a suit is filed shall be refunded with ten percent annual simple interest from the initial conduct. Subject to judicial review, districts may use any reasonable method for refunds under such section, including temporary rate reductions. Refunds need not be proportional when prior payments are impractical to identify or return. When annual district revenue is less than annual payments on general obligation bonds, pensions, and final court judgments, Article VIII, sections 18(1) and 21, shall be suspended to provide for the deficiency."

VIII-16 "Within Article VIII, sections 15 to 21:

(1) Ballot issue means a non-recall petition or referred measure in an election;

(2) District means the state or any local government;

(3) Emergency excludes economic conditions, revenue shortfalls, or district salary or fringe benefit increases;

(4) Fiscal year spending means all district expenditures and reserve increases except, as to both, those for refunds made in the current or next fiscal year or those from gifts, federal funds, collections for another government, pension contributions by employees and pension fund earnings, reserve transfers or expenditures, damage awards, or property sales;

(5) Inflation means the percentage change in the United States Bureau of Labor Statistics Consumer Price Index for Nebraska; and

(6) Local growth for a school district means the percentage change in its student enrollment."

VIII-17 "(1) Ballot issues shall be decided in a state general election, biennial local district election, or on the first Tuesday after the first Monday in November, in even numbered years.

(2) Fifteen to twenty-five days before a ballot issue election, districts shall mail at the least cost, and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors. Titles shall have this order of preference: 'NOTICE OF ELECTION TO INCREASE TAXES/TO INCREASE DEBT/ON A CITIZEN PETITION/ON A REFERRED MEASURE.' Except for district voter-approved additions, notices shall include only:

(a) The election date, hours, ballot title, text, and local election office address and telephone number;

(b) For proposed district tax or bonded debt increases, the estimated or actual total of district fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change;

(c) For the first full fiscal year of each proposed district tax increase, district estimates of the maximum dollar amount of each increase and of district fiscal year spending without the increase;

(d) For proposed district bonded debt, its principal amount and maximum annual and total district repayment cost, and the principal balance of total current district bonded debt and its maximum annual and remaining total district repayment cost; and

(e) Two summaries, up to five hundred words each, one for and one against the proposal, of written comments filed with the election officer by thirty days before the election. No summary shall mention names or persons or private groups, not any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments.

(3) Except by later voter approval, if a tax increase or fiscal year spending exceeds any estimate in subdivision (2)(c) of this section for the same fiscal year, the tax increase is thereafter reduced up to one hundred percent in proportion to the combined dollar excess, and the combined excess revenue, refunded in the next fiscal year. District bonded debt shall not issue on terms that could exceed its share of its maximum repayment costs in subdivision (2)(d) of this section. Ballot titles for tax or bonded debt, increases shall begin, 'SHALL (DISTRICT) TAXES BE INCREASED (first, or if phased in, final, full fiscal year dollar increase) ANNUALLY...? or SHALL (district) DEBT BE INCREASED (principal amount), WITH A REPAYMENT COST OF (maximum total district cost)...?' "

VIII-18 "Starting November 3, 1998, districts must have voter approval in advance for:

(1) Unless Article VIII, section 15 or 20, applies, any new tax, tax rate increase, or extension of any expiring tax, or a tax policy change directly causing a new tax revenue gain to any district; and

(2) Except for refinancing districts, bonded debt at a lower interest rate, adding new employees to existing district pension plans, or creation of any multiple-fiscal year direct or indirect district debt or other financial obligation whatsoever without adequate present cash

reserves pledged irrevocably and held for payments in all future fiscal years."

VIII-19 "To use for declared emergencies only, each district shall reserve for 1998 one percent or more, for 1999 two percent or more, and for all later years three percent or more of its fiscal year spending excluding bonded debt service. Unused reserves apply to the next year's reserve."

VIII-20 "This section grants no new taxing power. Emergency property taxes are prohibited. Emergency tax revenue is excluded for purposes of Article VIII, section 17(3) and 21, even if later ratified by voters. Emergency taxes shall also meet all of the following conditions:

(1) A two-thirds majority of the members of the Legislature or of a local district board declares the emergency and imposed the tax by separate recorded roll call votes;

(2) Emergency tax revenue shall be spent only after emergency reserves are depleted and shall be refunded within one hundred eighty days after the emergency ends if not spent on the emergency; and

(3) A tax not approved on the next election date sixty days or more after the declaration shall end with that election month."

VIII-21 "(1) The maximum annual percentage change in state fiscal year spending equals inflation plus the percentage change in state population in the prior calendar year, adjusted for revenue changes approved by voters after 1998. Population shall be determined by annual federal census estimates and such number shall be adjusted every decade to match the federal census.

(2) The maximum annual percentage change in each local district's fiscal year spending equals inflation in the prior calendar year plus annual local growth, adjusted for revenue changes approved by voters after 1998.

(3) The maximum annual percentage change in each district's tax revenue equals inflation in the prior calendar year plus annual local growth, adjusted for tax revenue changes approved by voters after 1998.".

Sec. 2. 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 enactment of laws abridging citizen's privileges or immunities, to require due process, to require equal protection of the law, to prohibit any property tax levy on and after January 1, 1998, and to limit state and local government spending on and after January 1, 1998.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 286CA. Introduced by Withem, 14; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1, and Article VIII, sections 1 and 5, and add a new section 30 to Article III, a new section 9A to Article VII, and a new section 3 to Article XVI:

III-30 "The Legislature shall establish standards of efficiency for the delivery of local government services."

VII-1 "Quality education is essential to the survival of a free society and is a fundamental right of each person. It is the paramount duty of the state to provide for the thorough and efficient education of all persons between the ages of five and twenty-one years who are enrolled in the common schools of the state. ~~The Legislature shall provide for the free instrueiton in the common schools of this state of all persons between the ages of five and twenty-one years.~~ The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof."

VII-9A "Beginning with the 1998-99 school year the Legislature shall provide for a system of school finance which makes available for each person between the ages of five and twenty-one years a thorough education in an efficiently operated public school. For the 1998-99 school year such school finance system shall provide that each school district shall not receive less funds per pupil than the funds per pupil received for the 1997-98 school year from ad valorem taxes on property and state aid except that the funds per pupil shall be adjusted for the 1998-99 school year by the amount of the percentage change in the Consumer Price Index - All urban consumers, published by the United States Department of Labor, Bureau of Labor Statistics, for the previous calendar year."

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, and such values shall not exceed eighty percent of fair market value for 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) the value of real property except as provided in subdivision (4) of this section shall, for property tax purposes, not exceed one hundred percent of fair market value; (8) 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)~~ (9) 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.

VIII-5 "~~County~~ (1) Beginning January 1, 1998: (a) The total ad valorem property tax levy on property located within incorporated cities or villages shall not exceed one dollar eighty cents per one hundred dollars of assessed value of taxable property subject to such levy; (b) The total ad valorem property tax levy on property not located within incorporated cities or villages shall not exceed one dollar thirty cents per one hundred dollars of assessed value of taxable property subject to such levy; (c) Within the limits imposed by the provisions of subdivisions (1)(a) and (b) of this section, the total ad valorem property tax levy for the operation of common schools shall not exceed ninety cents per one hundred dollars of assessed value of taxable property subject to such levy; (d) The Legislature shall determine the remaining ad valorem property tax levy authority of other governmental subdivisions; and (e) The levy limits in this section shall be based on property valued pursuant to the provisions of Article VIII, section 1, of this Constitution.

(2) Beginning January 1, 1999, a governmental subdivision may exceed any of the limitations in subdivisions (1)(a) through (d) of this section by a majority vote of the voters voting at a special, primary, or general election. The Legislature shall establish procedures by which such elections may be held.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, any levy against taxable property to repay bonded indebtedness shall continue to be assessed on property according to the terms of the bonds. Levies on property to repay bonded indebtedness shall not be included within the limitations in subdivisions (1)(a) through (d) of this section.

(4) Until January 1, 1998, county authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county."

XVI-3 "If any of the provisions adopted by this initiative in 1996 shall be held to be void for any reason, the remaining provisions shall continue in full force and effect.".

Sec. 2. 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 standards for delivery of local government services, to require the thorough and efficient education, to provide for funding education, to provide limits on valuation of property for tax proposes, to change and establish limits on property tax levies, and to provide for severability of this amendment.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2682

(Amendments to AM 2293)

1. Insert the following new sections:

"Sec. 3. Section 43-1304, Reissue Revised Statutes of Nebraska, is amended to read:

43-1304. (1) The state board shall, within ninety days after July 17, 1982, establish local foster care review boards for the review of cases of children in foster care placement.

(2) Until the effective date of this act, the ~~The~~ state board shall select members to serve on local boards from a list of applications submitted to the state board. On and after the effective date of this act, members of each local board shall appoint persons to serve as members of such local board in the event of a vacancy or an expired term.

(3) Each local board shall consist of five members. The members of the board shall reasonably represent the various social, economic, racial, and ethnic groups of the county or counties from which its members may be appointed. A person employed by the state board, a child-caring agency, a child-placing agency, or a court shall not be appointed to a local board. A list of the members of each local board shall be sent to the Department of Social Services.

Sec. 4. Section 43-1305, Reissue Revised Statutes of Nebraska, is amended to read:

43-1305. Of the local board members initially appointed, two shall be appointed for ~~a term~~ terms of one year, two shall be appointed for ~~a term~~ terms of two years, and one shall be appointed for a term of three years. All subsequent local board members shall be appointed for ~~a term~~ terms of three years. If a vacancy occurs on a local board, ~~the state board shall appoint~~ another person shall be appointed to serve the unexpired portion of the term. Appointments to fill vacancies on the local board shall be made ~~in the same manner and subject to the same conditions as the initial appointments to such board~~ as provided in section 43-1304. The term of each member shall expire on the second Monday in July of the appropriate year. Members shall continue to serve until a successor is appointed.".

2. On page 4, line 3, strike "section 43-1302" and insert "sections 43-1302, 43-1304, and 43-1305"; and in line 4 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Bernard-Stevens asked unanimous consent to print the following amendment to LB 624 in the Journal. No objections. So ordered.

(Amendment, AM2681, 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. Maurstad asked unanimous consent to have his name added as cointroducer to LB 253A. No objections. So ordered.

Mr. Robinson asked unanimous consent to have his name added as cointroducer to LB 927. No objections. So ordered.

VISITOR

Visitor to the Chamber was Senator Brown's sister-in-law, Polly Brown Hultquist, from San Francisco, California.

RECESS

At 11:58 a.m., on a motion by Mr. Hilgert, 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. Lindsay and Lynch who were excused; and Messrs. Abboud, Avery, Bromm, Coordsen, Dierks, Elmer, Hartnett, Jones, Landis, Pedersen, Robinson, Schrock, Mmes. Bohlke, Pirsch, and Stuhr who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1029. Introduced by Wickersham, 49; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to state aid to schools; to amend sections 79-3804 and 79-3806, Revised Statutes Supplement, 1995; to

change provisions relating to distribution of state aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Wickersham, 49; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to schools; to amend section 79-3804, Revised Statutes Supplement, 1995; to change provisions relating to allocation of income tax receipts; and to repeal the original section.

LEGISLATIVE BILL 1031. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to counties; to amend section 68-130, Reissue Revised Statutes of Nebraska; to change the requirement of counties providing office and service facilities to administer public assistance programs; to eliminate an obsolete provision; to repeal the original section; and to outright repeal section 81-1139.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1032. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.13 and 77-2704.40, Revised Statutes Supplement, 1995; to exempt products used in manufacturing processes from sales and use taxes; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1033. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to economic development; to adopt the Urban Venture Capital Loan Act.

LEGISLATIVE BILL 1034. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to parolee supervision; to amend sections 29-2246, 83-1,102, and 83-1,103, Reissue Revised Statutes of Nebraska, and section 83-1,116, Revised Statutes Supplement, 1995; 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; to repeal the original sections; and to outright repeal section 83-1,104, Reissue Revised Statutes of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 886. Mrs. Witek asked unanimous consent to replace her pending amendment, FA370, found in the Journal on page 201, with a substitute amendment. No objections. So ordered.

Mrs. Witek withdrew her amendment, FA370, found in the Journal on page 201.

Mrs. Witek offered the following substitute amendment, to the pending Standing Committee amendment:
FA373
Amend AM1606 to LB 886, on page 29, line 8, after the period, insert: "Commissioners shall not be state employees."

PRESIDENT ROBAK PRESIDING

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

The Witek amendment lost with 1 aye, 15 nays, 23 present and not voting, and 10 excused and not voting.

Mrs. Witek renewed her pending amendment, FA371, found in the Journal on page 201, to the Standing Committee amendment.

Messrs. Cudaback and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek withdrew her amendment, FA371.

Mr. Warner offered the following amendment to the Standing Committee amendment:
AM2678
(Amendments to Standing Committee amendments, AM1606)
1. On page 48, lines 2 and 3, strike "October 1, 1995" and insert "August 1, 1996".

The Warner amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers reoffered his amendment, AM2429, printed separately from the Journal and referred to on page 2437, First Session, 1995, and considered in this day's Journal, to the Standing Committee amendment.

Mmes. Witek and Stuhr 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 roll call vote on his amendment.

Voting in the affirmative, 10:

Beutler	Brown	Hartnett	Preister	Wesely
Brashear	Chambers	Landis	Schimek	Will

Voting in the negative, 30:

Avery	Elmer	Janssen	McKenzie	Schmitt
Bernard-Stevens	Engel	Jensen	Pedersen	Schrock
Bohlke	Fisher	Jones	Pirsch	Warner
Coordsen	Hilgert	Klein	Robak	Wehrbein
Crosby	Hillman	Matzke	Robinson	Wickersham
Dierks	Hudkins	Maurstad	Schellpeper	Withem

Excused and not voting, 9:

Abboud	Cudaback	Lindsay	Stuhr	Witek
Bromm	Kristensen	Lynch	Vrtiska	

The Chambers amendment lost with 10 ayes, 30 nays, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA374
Amend Comm. Amends. (AM1606)
Page 8, line 5, Strike the period and insert "or after the complainant has knowledge of such alleged act of discrimination but not more than 60 days after the alleged act."

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA375
Amend Committee Amends. (AM1606)
Page 28, line 27, strike the period and add ", but no such appointees shall continue to serve unless confirmed by the Legislature during the legislative session next after such appointments."

Mmes. Witek and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA376

Amend Committee Amendments (AM1606)

P. 29, line 2, strike "shall consider and attempt to" and after "Governor", insert, "through appointments shall"; in line 4 put a period after "Nebraska".

Mrs. Hillman 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 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers	Klein	Wesely	Witek	Withem
Hilgert				

Voting in the negative, 34:

Avery	Brown	Hartnett	Maurstad	Schmitt
Bernard-Stevens	Coordsen	Hudkins	Pedersen	Schrock
	Crosby	Janssen	Pirsch	Stuhr
Beutler	Dierks	Jensen	Preister	Warner
Bohlke	Elmer	Jones	Robak	Wehrbein
Brashear	Engel	Landis	Robinson	Wickersham
Bromm	Fisher	Matzke	Schellpeper	Will

Present and not voting, 1:

Schimek

Excused and not voting, 8:

Abboud	Hillman	Lindsay	McKenzie	Vrtiska
Cudaback	Kristensen	Lynch		

The Chambers amendment lost with 6 ayes, 34 nays, 1 present and not voting, and 8 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:
FA377
Amend Committee Amends (AM1606)
Page 8, line 5, strike "thirty" and insert "sixty".

The Chambers amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1035. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1401.02, Revised Statutes Supplement, 1995; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to corporations; to amend sections 21-323.01, 21-325.01, 21-2001, 21-2005, and 21-20,181, Revised Statutes Supplement, 1995; to change provisions relating to dissolution and reinstatement and certificates of authority; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1037. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Revised Statutes Supplement, 1994; to authorize the Tax Commissioner to require reporting by retailers; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-326.01, Reissue Revised Statutes of Nebraska, and section 77-5007, Revised Statutes supplement, 1995; to provide a time for payment of certain fees by county treasurers and provide for interest; to change appeals relating to the Tax Equalization and Review

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

LEGISLATIVE BILL 1039. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3524, Reissue Revised Statutes of Nebraska, and section 77-3517, Revised Statutes Supplement, 1995; to change homestead exemption review provisions; to change statistic requirements; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.07, 77-509, 77-1384, 77-1510, and 77-3523, Revised Statutes Supplement, 1995; to change appeal procedures; to change homestead exemption calculations; and to repeal the original sections.

LEGISLATIVE BILL 1041. 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 sections 57-719, 77-1777, 77-1780, and 77-27,118, Reissue Revised Statutes of Nebraska, sections 66-723 and 77-2794, Revised Statutes Supplement, 1994, and sections 77-2703 and 77-2708, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to tax liability of corporate officers and employees; to change refund procedures; to change provisions relating to sales tax collection; to change provisions relating to interest; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1783, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1042. Introduced by Wesely, 26; Chambers, 11; Hilgert, 7; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-1203, Reissue Revised Statutes of Nebraska; to change the minimum rate for wages; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 25-21,248, 28-105, 28-318 to 28-320, 28-1205, 28-1206, 28-416, 28-511.02, 28-516, 28-931.01, 28-1212.01, 28-1212.02,

29-2204, 29-2221, 29-2257, 29-2262, and 29-2525, Reissue Revised Statutes of Nebraska, and sections 43-2,104, 43-2,105, 47-616, 83-182.01, 83-1,107, 83-1,110, 83-1,116, 83-1,122, 83-1,123, 83-1,135, 83-4,114.01, and 83-925.07, Revised Statutes Supplement, 1995; to change provisions relating to penalties for felonies; to define and redefine terms; to change provisions relating to the Uniform Controlled Substances Act; to change provisions relating to and provide for the offenses of unauthorized use of a propelled vehicle, use of a deadly weapon to commit a felony, possession of a deadly weapon by a felon or fugitive, and assault on an officer using a motor vehicle; to change provisions relating to unlawful discharge of a firearm; to change provisions relating to probation officers; to change provisions relating to sentences, habitual criminals, incarceration, capital cases, and sexual assault; to change and eliminate provisions relating to juvenile courts, records of adjudications, good time, and parole; to provide for venue in certain cases involving theft; to provide for civil actions against persons convicted of terroristic threats; to change provisions relating to facilities and services for juveniles; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1044. Introduced by Wesely, 26; Withem, 14; Brown, 6; Dierks, 40; Hillman, 48; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Robak, 22; Robinson, 16; Schimek, 27; Warner, 25; Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 81-101, 81-102, 81-1316, and 84-1409, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Partnership for Health and Human Services Act; to provide powers and duties for the Department of Health and Human Services, Department of Health and Human Services Standards and Evaluation, and Department of Health and Human Services Finance and Support; to create funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1045. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-116.02, 53-117, 53-131, 53-132, 53-133, 53-134, 53-134.03, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-122, and 53-129, Revised Statutes Supplement, 1994; to change provisions relating to issuance of liquor licenses; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1046. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend section 83-925.07, Revised Statutes Supplement, 1995; to

change provisions relating to evaluations; to eliminate a termination date; to repeal the original section; and to outright repeal section 83-4,104.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1047. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to labor and employment; to amend section 48-724, Revised Statutes Supplement, 1995; to provide for fees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1048. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to service of summons; and to repeal the original section.

LEGISLATIVE BILL 1049. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to authorize modifications of the accounting structure for specified agencies to conform with legislation which creates a unified health and human services delivery system.

LEGISLATIVE BILL 1050. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Janssen, 15; McKenzie, 34; Stuhr, 24; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3802, 79-3805, 79-3807, 79-3810, 79-3817, and 79-3822, Reissue Revised Statutes of Nebraska, and sections 79-3801, 79-3803, 79-3804, 79-3806, 79-3811.01, 79-3812, and 79-3813, Revised Statutes Supplement, 1995; to change provisions relating to calculating state aid to schools; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1051. Introduced by Beutler, 28; Landis, 46; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to electricity; to amend section 70-1008, Reissue Revised Statutes of Nebraska; to change provisions relating to the certified service area for cities of the primary class; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 886. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA378

Amend Committee Amendments (AM1606)

P. 29 In line 1 beginning with "The", strike all language through "appointments." in line 4.

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

MRS. CROSBY PRESIDING

Mr. Schellpeper 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 record vote on his amendment.

Voting in the affirmative, 4:

Bernard-Stevens	Chambers	Maurstad	Pirsch

Voting in the negative, 30:

Beutler	Crosby	Hillman	Matzke	Stuhr
Bohlke	Cudaback	Hudkins	Pedersen	Warner
Brashear	Elmer	Janssen	Preister	Wehrbein
Bromm	Engel	Jensen	Robak	Wickersham
Brown	Fisher	Jones	Schimek	Will
Coordsen	Hilgert	Klein	Schrock	Withem

Present and not voting, 4:

Dierks	Hartnett	Robinson	Schmitt

Excused and not voting, 11:

Abboud	Landis	Lynch	Schellpeper	Wesely
Avery	Lindsay	McKenzie	Vrtiska	Witek
Kristensen				

The Chambers amendment lost with 4 ayes, 30 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

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

Ms. Schimek offered the following amendment to the Standing Committee amendment:
FA379
Amend Committee amendment AM1606
P-29 in line 2, strike "an attempt to balance."

Messrs. Beutler, Bernard-Stevens, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Schimek amendment lost with 11 ayes, 17 nays, 7 present and not voting, and 14 excused and not voting.

Mr. Bromm asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA380
Amend Committee Amendments (AM1606)
P.7, line 25 after "may", insert "personally, by an agent or attorney"

The Chambers amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 2 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Chambers moved to bracket LB 886.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 287CA. Introduced by Pirsch, 10; Avery, 3; Bohlke, 33; Bromm, 23; Brown, 6; Engel, 17; Hilgert, 7; Hudkins, 21; Jones, 43; Pedersen, 39; Robak, 22; Schrock, 38; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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,~~ The board or such proportion of the board as may be prescribed by the Legislature, but in no case less than a majority of the 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. 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 requirements for granting paroles.

For

Against".

Referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 295A. 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 295, Ninety-fourth Legislature, Second Session, 1996.

UNANIMOUS CONSENT - Print in Journal

Mr. Beutler asked unanimous consent to print the following amendment to LB 357 in the Journal. No objections. So ordered.

AM2724

1. On page 2, line 12, after "state" insert ", as defined in Article XII, section 8, of the Constitution of

Nebraska,".

2. On page 3, line 26, after "notify" insert "in writing".

3. On page 4, line 4, strike "Attorney General" and insert "county attorney of the county in which all or a portion of the real estate is located"; in line 5 strike "chapter" and insert "act"; and in line 7 strike "Attorney General shall" and insert "county attorney may".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 116. No objections. So ordered.

Mr. Kristensen asked unanimous consent to have his name added as cointroducer to LB 766. No objections. So ordered.

ANNOUNCEMENT

Mr. Vrtiska announced the Executive Board will hold an executive session Friday, January 5, at 8:45 a.m. in Room 2102.

VISITORS

Visitors to the Chamber were Angel Starks and Kate Joyce from Omaha.

The Doctor of the Day was Dale Michels from Lincoln.

ADJOURNMENT

At 5:20 p.m., on a motion by Mr. Wehrbein, the Legislature adjourned until 9:00 a.m., Friday, January 5, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY - JANUARY 5, 1996

LEGISLATIVE JOURNAL

THIRD DAY - JANUARY 5, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 5, 1996

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. Lynch and Mrs. McKenzie who were excused; and Messrs. Abboud, Bernard-Stevens, Coordsen, Dierks, Kristensen, Landis, Lindsay, Schellpeper, and Mmes. Brown and Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Friday, January 5, 1996.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 890 through 1001, 1003 through 1006, legislative resolutions 276CA through 281CA, and 284CA through 286CA.

LB	Committee
890	General File
891	General File
892	General File
893	General File
894	General File
895	General File
896	General File
897	General File
898	General File
899	General File
900	Education
901	Transportation
902	Nebraska Retirement Systems
903	Business and Labor
904	Government, Military and Veterans Affairs
905	Judiciary
906	Judiciary
907	Government, Military and Veterans Affairs
908	Judiciary
909	Judiciary
910	General Affairs
911	Judiciary
912	Judiciary
913	Judiciary
914	Business and Labor
915	General Affairs
916	Transportation
917	Health and Human Services
918	Health and Human Services
919	Judiciary
920	Transportation
921	Revenue
922	Appropriations
923	Natural Resources
924	Government, Military and Veterans Affairs
925	Business and Labor
926	Judiciary
927	Judiciary
928	Government, Military and Veterans Affairs
929	Judiciary
930	Revenue
931	Banking, Commerce and Insurance
932	General Affairs
933	General Affairs
934	Revenue
935	Education
936	Government, Military and Veterans Affairs
937	Judiciary

938 Transportation
939 Transportation
940 Health and Human Services
941 Banking, Commerce and Insurance
942 Judiciary
943 Judiciary
944 Education
945 Revenue
946 Transportation
947 Judiciary
948 Banking, Commerce and Insurance
949 Banking, Commerce and Insurance
950 Education
951 Revenue
952 Judiciary
953 Transportation
954 Health and Human Services
955 Nebraska Retirement Systems
956 Government, Military and Veterans Affairs
957 Judiciary
958 Revenue
959 Judiciary
960 Judiciary
961 Health and Human Services
962 Urban Affairs
963 Judiciary
964 Government, Military and Veterans Affairs
965 Agriculture
966 Agriculture
967 Government, Military and Veterans Affairs
968 Government, Military and Veterans Affairs
969 Banking, Commerce and Insurance
970 Health and Human Services
971 Revenue
972 Revenue
973 Banking, Commerce and Insurance
974 Transportation
975 Transportation
976 Judiciary
977 General Affairs
978 General Affairs
979 Urban Affairs
980 Urban Affairs
981 Health and Human Services
982 Government, Military and Veterans Affairs
983 Judiciary
984 Revenue
985 Education
986 Nebraska Retirement Systems

987	Revenue
988	Health and Human Services
989	Education
990	Judiciary
991	Judiciary
992	Government, Military and Veterans Affairs
993	Judiciary
994	Judiciary
995	Urban Affairs
996	Urban Affairs
997	Judiciary
998	Judiciary
999	Education
1000	Revenue
1001	Health and Human Services
1003	Revenue
1004	Health and Human Services
1005	Business and Labor
1006	Transportation

LR	**Committee**
276CA	Executive Board
277CA	Government, Military and Veterans Affairs
278CA	Government, Military and Veterans Affairs
279CA	Government, Military and Veterans Affairs
280CA	Education
281CA	Government, Military and Veterans Affairs
284CA	Revenue
285CA	Revenue
286CA	Revenue

(Signed) Floyd P. Vrtiska, Acting Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

The Education Committee designates LB 900 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 886. Mr. Chambers withdrew his motion, found in the Journal on page 241, to bracket LB 886.

Mr. Chambers offered the following amendment:
FA381
Amend (1606)
Pp. 28-31 strike all of section 21

Mrs. Hudkins and Mr. Wickersham 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.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Brown	Jensen	Maurstad	Pirsch	Witek
Chambers				

Voting in the negative, 25:

Abboud	Crosby	Hartnett	Matzke	Warner
Avery	Cudaback	Hillman	Pedersen	Wehrbein
Beutler	Elmer	Janssen	Robak	Wesely
Brashear	Engel	Klein	Schimek	Will
Bromm	Fisher	Landis	Stuhr	Withem

Present and not voting, 10:

Bernard-Stevens	Hilgert	Preister	Schellpeper	Schrock
Coordsen	Jones	Robinson	Schmitt	Vrtiska

Excused and not voting, 8:

Bohlke	Hudkins	Lindsay	McKenzie	Wickersham
Dierks	Kristensen	Lynch		

The Chambers amendment lost with 6 ayes, 25 nays, 10 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1052. Introduced by Landis, 46.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.06 and 43-1718.01, Reissue Revised Statutes of Nebraska, and section 43-1718, Revised Statutes Supplement, 1994; to change withholding of earnings and assignment of income provisions; and to repeal the original sections.

LEGISLATIVE BILL 1053. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking, securities, and installment sales; to amend sections 8-103, 8-105, 8-112, 8-1,134, and 45-345, Reissue Revised Statutes of Nebraska, sections 8-147 and 8-1110, Revised Statutes Supplement, 1994, and sections 8-1101 and 8-1111, Revised Statutes Supplement, 1995; to change provisions relating to loans to Department of Banking and Finance employees, nepotism, confidential department records, direct borrowing by a bank, and departmental hearings; to change provisions relating to the Securities Act of Nebraska; to redefine a term; to change provisions relating to securities and securities transactions exempt from registration; to change provisions relating to installment sales licenses; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1054. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to ground water; to amend section 46-235.04, Revised Statutes Supplement, 1995; to change provisions relating to municipal well fields; to provide duties for the Department of Water Resources; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1055. Introduced by Schmitt, 41; Hudkins, 21.

A BILL FOR AN ACT relating to law enforcement officers; to amend sections 81-1401 and 81-1414, Reissue Revised Statutes of Nebraska; to define a term; to provide firearm training; to provide a permit for carrying a concealed handgun; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to counties; to amend sections 11-126, 23-121, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 25-1625, 33-106.02, and 33-131, Reissue Revised Statutes of Nebraska, sections 11-125 and 32-524, Revised Statutes Supplement, 1994, and section 11-119, Revised Statutes Supplement, 1995; to authorize transfer of clerk of the district court operations to the state; to authorize consolidation of clerk of the district court and clerk of the county court operations; to transfer jury commissioner duties from the clerk of the district court to other county officials; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to gambling; to amend sections 9-233, 9-255.06, 9-255.07, 9-255.09, 9-328, 9-329, 9-330, 9-332, 9-424, 9-631, and 9-632, Revised Statutes Supplement, 1994, and sections 9-232.01 and 9-329.02, Revised Statutes Supplement, 1995; to change license

fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to county assessors; to amend sections 11-126, 18-2148, 23-266, 23-1114.03 to 23-1114.07, 23-2504, 23-2518, 46-549, and 46-552, Reissue Revised Statutes of Nebraska, sections 11-125, 23-3201, and 32-517, Revised Statutes Supplement, 1994, and sections 11-119, 58-508, 77-428, 77-606, and 77-623, Revised Statutes Supplement, 1995; to transfer county assessors and their employees to state government; to eliminate provisions relating to their responsibilities, election, and training; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 23-3202 to 23-3207, 23-3209, 23-3210, 77-115, and 77-417, Reissue Revised Statutes of Nebraska, section 32-519, Revised Statutes Supplement, 1994, and sections 77-415, 77-416, 77-418 to 77-420, 77-1339, 77-1340, and 77-1377, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1059. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; Pirsch, 10; Schimek, 27; and Warner, 25.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-114, 68-126, 68-132, 68-133, 68-134, 68-137, 68-138, 68-139, 68-140, 68-141, 68-142, 68-146, 68-147, 68-148, 68-149, 71-1623, 71-5002, 71-5021 to 71-5023, 71-5025, 71-5040, 81-2201, 81-2213, 83-227.01, 83-227.02, 83-363, 83-364, 83-367, 83-370, 83-371, 83-375, 83-377, 83-378, 83-379, 83-380.01, 83-1040, 83-1213, and 83-1326.01, Reissue Revised Statutes of Nebraska, sections 68-152, 68-153, 68-154, 71-5001, 71-5003, 71-5008, 71-5014, and 71-7518.03, Revised Statutes Supplement, 1994, and sections 68-131, 71-5044, 71-5045, and 83-162.04, Revised Statutes Supplement, 1995; to transfer duties relating to provision of services from counties to the state; to state intent; to eliminate and change regions, boards, committees, and agencies; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 68-135, 68-136, 68-143, 68-145, 68-150, 71-5004, 71-5005 to 71-5007, 71-5009.01, 71-5012, 71-5015, 71-5027 to 71-5029, 81-2215, 81-2216, 81-2217, 81-2218, 81-2219, 81-2224, 81-2225, 81-2226, 81-2228, 83-376, 83-380, 83-1,143.06, 83-1212, and 81-1328.01 to 81-1328.03, Reissue Revised Statutes of Nebraska, sections 68-151, 68-156, 71-5009, 71-5010, 71-5013, and 71-5032 to 71-5034, Revised Statutes Supplement, 1994, and section 68-104, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1060. Introduced by Schrock, 38; Dierks, 40; Elmer, 44; Engel, 17; Jones, 43.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,134 and 71-1,135, Reissue Revised Statutes of Nebraska, and sections 71-1,133, 71-1,135.01, 71-1,135.02, and 71-1,135.04, Revised Statutes Supplement, 1994; to redefine the practice of optometry; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to provide severability; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 288CA. Introduced by Maurstad, 30.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 12:

VIII-12 "For the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property in a redevelopment project as determined by law, any city or village of the state may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bond, loans, notes, advance of money, or otherwise. Notwithstanding any other provision in the Constitution or a local charter, such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness (1) all or any part of taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed ~~fifteen~~ twenty years, on the assessed valuation of the property in ~~the~~ such redevelopment project area portion of a designated blighted and substandard area that is in excess of the assessed valuation of such property for the year prior to such rehabilitation, acquisition, or redevelopment and (2) all or any part of such other income, proceeds, and revenue, including income, proceeds, and revenue from other redevelopment projects of such cities or villages, as the Legislature shall authorize.

When such indebtedness and the interest thereon have been paid in full, such property thereafter shall be taxed as is other property in the respective taxing jurisdictions and such taxes applied as all other taxes of the respective taxing bodies.".

Sec. 2. 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 the repayment provisions relating to the redevelopment of substandard or blighted property and to specify the sources of payment for bonds issued by cities and

villages for the purpose of rehabilitating, acquiring, or redeveloping substandard and blighted property.
For
Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Members Excused

Mmes. Stuhr, Hillman, Messrs. Matzke, Bernard-Stevens, Withem, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 886. Mr. Chambers reoffered his amendment, AM2429, on file in the Clerk's Office, and referred to on page 2437 and considered on pages 208 and 233.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 4:

Brashear	Brown	Schimek	Will

Voting in the negative, 28:

Abboud	Cudaback	Jones	Pirsch	Stuhr
Avery	Elmer	Klein	Robak	Vrtiska
Beutler	Engel	Landis	Schellpeper	Warner
Bromm	Fisher	Matzke	Schmitt	Wehrbein
Coordsen	Hilgert	Maurstad	Schrock	Witek
Crosby	Janssen	Pedersen		

Present and not voting, 6:

Chambers	Hartnett	Jensen	Preister	Robinson
Dierks				

Excused and not voting, 11:

Bernard-Stevens	Hillman	Lindsay	McKenzie	Wickersham
	Hudkins	Lynch	Wesely	Withem
Bohlke	Kristensen			

The Chambers amendment lost with 4 ayes, 28 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on the Chambers amendment, AM2429.

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

SPEAKER WITHEM PRESIDING

Mr. Warner moved to invoke cloture on LB 886, pursuant to Rule 7, Section 10.

Mr. Warner moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Warner motion to invoke cloture prevailed with 41 ayes, 2 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider the vote on the Chambers amendment, AM2429.

Voting in the affirmative, 4:

Chambers	Schimek	Will	Witek

Voting in the negative, 41:

Abboud	Coordsen	Hillman	Maurstad	Schrock
Avery	Crosby	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pirsch	Vrtiska
Beutler	Dierks	Jensen	Preister	Warner
Bohlke	Elmer	Jones	Robak	Wehrbein
Brashear	Engel	Klein	Robinson	Wesely
Bromm	Fisher	Landis	Schellpeper	Wickersham
Brown	Hartnett	Matzke	Schmitt	Withem
	Hilgert			

Excused and not voting, 4:

Kristensen	Lindsay	Lynch	McKenzie

The Chambers motion to reconsider lost with 4 ayes, 41 nays, and 4 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Avery	Crosby	Hillman	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Hudkins	Preister	Vrtiska
Beutler	Dierks	Janssen	Robak	Warner
Bohlke	Elmer	Jones	Robinson	Wehrbein
Brashear	Engel	Klein	Schellpeper	Wesely
Bromm	Fisher	Landis	Schimek	Wickersham
Brown	Hartnett	Matzke	Schmitt	Will
	Hilgert	Maurstad	Schrock	Withem

Voting in the negative, 6:

Abboud	Coordsen	Jensen	Pirsch	Witek
Chambers				

Excused and not voting, 4:

Kristensen	Lindsay	Lynch	McKenzie

Advanced to E & R for review with 39 ayes, 6 nays, and 4 excused and not voting.

The Chair declared the call raised.

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1061. Introduced by Wehrbein, 2; Engel, 17; Hillman, 48; Jones, 43; Stuhr, 24; Vrtiska, 1; Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for salaries for cooperative extension educators and assistants.

LEGISLATIVE BILL 1062. Introduced by Government, Military and Veterans Affairs Committee: Robinson, 16, Chairperson; Cudaback, 36; Hilgert, 7; Janssen, 15; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Witek, 31; and Warner, 25.

A BILL FOR AN ACT relating to property tax; to amend sections 2-203, 2-203.02, 2-203.05, 13-303, 23-381, 35-508, 35-509, 35-514.02, 39-801, 39-1002, 39-1637, 39-1649, 51-201, 51-316, 51-501, 71-1638, 80-102, 80-202, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-203.03, 2-203.06, 2-229, 2-958,

2-1604, 2-2447, 3-603, 3-605, 3-613, 3-707, 12-914, 12-923, 13-1304, 23-355.01, 23-360, 23-2909, 23-3509, 23-3511, 23-3616, 32-1042, 71-1629.01, 71-1637, 74-1306, 77-1605, 77-1605.01, and 77-1627, Revised Statutes Supplement, 1994, and sections 2-2444, 23-3519, 23-3552, and 39-1621, Revised Statutes Supplement, 1995; to provide for a limit on the tax levy authority of certain political subdivisions and provide for allocation of the amount between different political subdivisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1063. Introduced by Brashear, 4; Jensen, 20.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Revised Statutes Supplement, 1995; to provide an exemption for the sale of clothing to nonprofit charitable organizations; and to repeal the original section.

LEGISLATIVE BILL 1064. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,193, Reissue Revised Statutes of Nebraska; to change provisions relating to impeding traffic; and to repeal the original section.

LEGISLATIVE BILL 1065. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,235 to 60-6,238, 60-6,243, and 60-6,357, Reissue Revised Statutes of Nebraska, and sections 60-6,219 and 60-6,335, Revised Statutes Supplement, 1995; to change provisions relating to use of lighting equipment; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to adopt the Livestock Contract Sale Act; and to create a fund.

LEGISLATIVE BILL 1067. Introduced by Dierks, 40, at the request of the Governor.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend sections 81-1578, 81-1584.01, 81-15,101, 81-15,101.02 to 81-15,101.05, 81-15,102, 81-15,105.01, 81-15,106, 81-15,107, 81-15,112.01, and 81-15,115, Reissue Revised Statutes of Nebraska, and section 81-15,103, Revised Statutes Supplement, 1995; to change provisions relating to disposal site land ownership and requirements, acceptance and requirements of radioactive waste and mixed waste, powers of the Department of Environmental Quality, and strict liability in tort; to create a fund; to provide for a presumption

and right to civil action; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1068. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to impose a tax on participants to certain transactions; to define terms; to provide for collection of the tax; to create tax districts, boards, and a committee; to provide powers and duties; to provide for use of revenue; to eliminate the income tax and sales tax; to provide operative dates; and to outright repeal section 77-2715, Revised Statutes Supplement, 1994, and sections 77-2703 and 77-2734.02, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1069. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robak, 22; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-812 and 9-834, Revised Statutes Supplement, 1995; to change provisions relating to transfers of funds and disclosures by vendors; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 289. Introduced by Brown, 6; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 8; Bohlke, 33; Brashear, 4; Bromm, 23; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Klein, 19; Kristensen, 37; Landis, 46; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, the University of Nebraska-Lincoln Cornhusker football team was undefeated for the second year in a row; and

WHEREAS, the UNL Cornhusker football team is the only team in the nation to have a 36-1 record and to have won twenty-five consecutive games; and

WHEREAS, the UNL Cornhusker football team was triumphant in their quest for back-to-back National Championships in the Fiesta Bowl on January 2, 1996; and

WHEREAS, the UNL Cornhusker football team overcame adversity and was relentless in their championship conquest; and

WHEREAS, the UNL Cornhusker football team proved that they could play on a grass field; and

WHEREAS, the coaches and trainers never lost faith in the Cornhuskers; and

WHEREAS, Dr. Tom Osborne, as head coach of the UNL Cornhuskers, gave continual support to his players in every situation and withstood intense scrutiny from the public and media to remain the most successful active coach today; and

WHEREAS, this outstanding athletic feat was truly made possible by the players who put their entire minds and bodies into being part of a team that could be called one of the greatest of all time; and

WHEREAS, Nebraska's unwavering fans flocked not only to Memorial Stadium and all away games during the regular season, but also arrived in record numbers to the Sun Devil Stadium in Tempe, Arizona to show their continued support and loyalty.

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

1. That the Legislature, on behalf of the citizens of Nebraska, commends the University of Nebraska-Lincoln Cornhusker football team, Dr. Tom Osborne, the UNL coaching and training staff, and the Cornhusker fans for their repeated success.

2. That copies of this resolution be sent to Head Coach Tom Osborne, Athletic Director Bill Byrne, Interim Chancellor Dr. Joan Leitzel, and President L. Dennis Smith.

Laid over.

LEGISLATIVE RESOLUTION 290. Introduced by Brown, 6; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Chambers, 11; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hartnett, 45; Hilgert, 7; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Klein, 19; Kristensen, 37; Landis, 46; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Pirsch, 10; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wesely, 26; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, the University of Nebraska-Lincoln Cornhusker Volleyball team had a thirty-one match winning streak in 1995 and ended with a season record of 32-1; and

WHEREAS, the UNL Cornhusker Volleyball team took their fourteenth straight trip to the NCAA Tournament; and

WHEREAS, the UNL Cornhusker Volleyball team beat the University of Texas and were declared National Champs; and

WHEREAS, Coach Terry Pettit, who has been at UNL for nineteen years, provided guidance and strategy for the players and also served as a role model for the team; and

WHEREAS, Cornhusker fans proved their loyalty and support by cheering the team on to their first ever National Championship; and

WHEREAS, the players gave one hundred percent to achieve their goal and redefined the phrase "team work".

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

1. That the Legislature, on behalf of the citizens of Nebraska, commends the UNL Women's Volleyball team, Coach Terry Pettit, and the Cornhusker Volleyball fans for their success.

2. That copies of this resolution be sent to Coach Terry Pettit, Athletic Director Bill Byrne, Interim Chancellor Joan Leitzel, and President L. Dennis Smith.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 357. Title read. Considered.

Mr. Dierks offered the following amendment:
AM2733

1. On page 2, lines 3 and 4 and 11, strike ", whether legal, beneficial, or otherwise,"; in line 15 after "(3)" insert "For purposes of this act, interest in real estate used in farming and ranching includes legal, beneficial, and other interests, including participation by corporations, limited partnerships, or trusts in general partnerships, but does not include an interest in real estate used for farming or ranching acquired pursuant to a bona fide encumbrance taken for purposes of security or to an interest acquired by a corporation by process of law in the collection of debts or by any procedures for the enforcement of a lien, encumbrance, or claim thereon, whether created by mortgage or otherwise.

(4)"; and in line 19 strike "1996" and insert "1997".

2. On page 3, strike beginning with "The" in line 11 through "(3)" in line 14; and in line 20 strike "(4)" and insert "(3)".

3. On page 4, line 5, strike "chapter" and insert "act".

Mrs. Hillman offered the following amendment to the Dierks pending amendment:
FA382

Amend the Dierks amendment, AM2733, by striking lines 14 through 16, on page 1

Messrs. Engel, Janssen, Coordsen, Mmes. Stuhr, Hudkins, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad 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 Hillman amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

MR. WILL PRESIDING

Mr. Warner and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

The Dierks amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Beutler renewed his pending amendment, AM2724, found in the Journal on page 242.

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

Mr. Maurstad offered the following amendment to the Beutler pending amendment:
FA383
Amend AM2724 to LB357 by striking lines 6 thru 10 and replacing with:
3. On page 4, line 7 strike shall and insert may.

Mr. Hartnett and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Maurstad moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Maurstad amendment was adopted with 25 ayes, 3 nays, 10 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Jones and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Schrock offered the following amendment:

FA384

Amend LB 357 by adding the following new section.

Only those corporations that are in violation of initiative 300 shall be require to file the reports required by this bill.

Mr. Schrock withdrew his amendment.

Mr. Schrock 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 21 ayes, 0 nays, and 28 not voting.

Mr. Dierks requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Abboud	Brown	Hilgert	Preister	Vrtiska
Avery	Coordsen	Hudkins	Schellpeper	Wehrbein
Bohlke	Crosby	Maurstad	Schmitt	Wesely
Brashear	Engel	Pedersen	Stuhr	Wickersham
Bromm	Hartnett			

Voting in the negative, 13:

Bernard-Stevens	Elmer	Janssen	Matzke	Witek
	Fisher	Jensen	Pirsch	Withem
Beutler	Hillman	Klein	Will	

Present and not voting, 3:

Chambers	Dierks	Schimek

Excused and not voting, 11:

Cudaback	Landis	Lynch	Robak	Schrock
Jones	Lindsay	McKenzie	Robinson	Warner
Kristensen				

Failed to advance to E & R for review with 22 ayes, 13 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1070. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for conveyance of certain described property to the County of Buffalo; and to provide for reverter.

LEGISLATIVE BILL 1071. Introduced by Hartnett, 45; Bernard-Stevens, 42; Crosby, 29; Dierks, 40; Engel, 17; Hillman, 48; Klein, 19; Robak, 22; Schimek, 27; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to insurance; to require payment for certain lengths of hospital stays after delivery of a child.

LEGISLATIVE BILL 1072. Introduced by Abboud, 12; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-638, Reissue Revised Statutes of Nebraska, section 48-601, Revised Statutes Supplement, 1994, and section 48-621, Revised Statutes Supplement, 1995; to change provisions relating to income tax withholding from unemployment compensation and appeals to district court; to change the use of a fund; to provide powers and duties for the Department of labor; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1073. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act and state identification cards; to amend sections 60-484 and 60-4,181, Revised Statutes Supplement, 1995; to change application requirements; and to repeal the original sections.

LEGISLATIVE BILL 1074. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to names; to amend section 61-102, Revised Statutes Supplement, 1995; to change a provision relating to change of name; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 1075. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Robak, 22; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2314, 24-704, 81-2024, and 84-1316, Reissue Revised Statutes of Nebraska, and section 84-1503, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to the legal advisor of retirement systems and the Public Employees Retirement Board; to repeal the original sections; and to outright repeal sections 79-1505 and 84-1306, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1076. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Robak, 22; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-706, 79-1501, 79-1513, 79-1514, 79-1514.01, 79-1514.05, 79-1520, 79-1522, 79-1522.01, 79-1523, 79-1529, 81-2031, 84-1301, and 84-1321, Reissue Revised Statutes of Nebraska, section 23-2319, Revised Statutes Supplement, 1994, and sections 23-2301, 23-2306, 23-2331, 79-1043, 79-1501.01, 81-2014, 81-2016, 84-1307, 84-1331, and 84-1503, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to eligibility and vesting credit, adjustments of contributions and benefits, termination benefits, limitation of actions, certain post-retirement employment, disability, system membership, buybacks, and contracts for actuarial services; to define and redefine terms; to provide powers and duties; to correct a reference to a federal act; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1519, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1077. Introduced by Wickersham, 49; Crosby, 29; Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-706, 79-1501, 79-1514, 79-1514.01, 79-1527, 81-2031, 84-1301, 84-1321, and 84-1322, Reissue Revised Statutes of Nebraska, sections 23-2310, 23-2319, and 23-2320, Revised Statutes Supplement, 1994, and sections 23-2301, 23-2331, 79-1501.01, 81-2014, 84-1307, and 84-1331, Revised Statutes Supplement, 1995; to change provisions relating to forfeitures, reemployed employees, rollovers, and breaks in service; to define and redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 1078. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Managed Care Plan Act; to amend sections 68-1048 to 68-1050, Revised Statutes Supplement, 1994; to authorize managed care for long-term care services provided under the medical assistance program; to provide intent; to provide duties; to define a term; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENT

Mr. Schellpeper designates LR 43CA as his priority resolution.

RESOLUTION

LEGISLATIVE RESOLUTION 291. Introduced by Witek, 31; Avery, 3; Jensen, 20; Pedersen, 39; Brashear, 4.

WHEREAS, the Millard South Indians boys' football team won the Class A Boys' State Football Championship and secured its first championship; and

WHEREAS, the Millard South Indians have an 11-2 record for the past year; and

WHEREAS, the accomplishments of the Millard South Indians boys' football team deserve special recognition.

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

1. That the Legislature recognizes and congratulates the Millard South Indians boys' football team and the parents and supporters.

2. That a copy of this resolution be sent to the Millard South Indians boys' football team and Coach Marty Going.

Laid over.

UNANIMOUS CONSENT - Print in Journal

Mr. Withem asked unanimous consent to print the following amendment to LB 414A in the Journal. No objections. So ordered.

AM2721

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated $13,696 from the Bureau of Examining Boards' Cash Fund for FY1996-97 to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 414, Ninety-fourth Legislature, Second Session, 1996.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $7,171 for FY1996-97.".

Mr. Chambers asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

FA385

Amend AM1606

P. 29, line 1, Strike the second "The" through "representation" in line 2 and insert: "In the interest of achieving the benefits of diversity and broad-based representation, the Governor shall consider and attempt to achieve such representation

Mr. Warner asked unanimous consent to print the following amendment to LB 298A in the Journal. No objections. So ordered.

AM2652
1. On page 2, line 1, strike "$5,701,439" and insert "$5,986,511"; in line 2 strike "FY1996-97" and insert "FY1997-98"; and in line 4 strike "First" and insert "Second" and strike "1995" and insert "1996".

Mr. Wickersham and Mrs. Crosby asked unanimous consent to print the following amendment to LB 700 in the Journal. No objections. So ordered.

(Amendment, AM2734, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Amend Rule 6, Section 14 by adding the following subsection (e):
(e) Any motion offered under this section may not be divided.

Amend Rule 3, Section 12
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 resolutions number, the remaining bills or resolutions will be reported out as indefinitely postponed.~~ subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

Amend Rule 6, Section 7(b)
(b) ~~Two~~ One legislative days after its reference to Final Reading.

Amend Rule 6, Section 3(h)
(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

Amend Rule 6, Section 5(b)

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

Amend Rule 6, Section 6
Sec. 6 Return to Select File. (a) 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 vote of the elected members except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

Amend Rule 1, Section 18
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.

(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.

(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) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily journal with the name of the introducer or introducers. The text of each amendment shall be either printed in the daily journal or noted in the daily journal as on file in the bill room or the Clerk's office.

(f) ~~(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.

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

(h) ~~(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.

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

Amend Rule 1, C.
Add new section:
Sec. 17. The Speaker shall be authorized to:

(a) Designate up to ten bills or resolutions as major proposals during each legislative session. The designation of a bill or resolution as a major proposal shall be made by the Speaker no later than the 20th legislative day. Determinations made by the Speaker pursuant to this subsection shall be approved by the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

Renumber remaining sections

Amend Rule 3, Section 12(b).
(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Amend Rule 5, Section 5(h).
(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority 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.

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 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 and Rule 1, Section 17.

Amend Rule 7, Section 3.(a)
(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 as provided for in Rule 1, Section 17. Motions ~~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.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 38. No objections. So ordered.

VISITORS

Visitors to the Chamber were a group of nurses from across Nebraska; and Latonia Haney from Bellevue.

ADJOURNMENT

At 1:39 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Monday, January 8, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FOURTH DAY - JANUARY 8, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 8, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jane Heenan, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Cudaback who was excused; and Messrs. Bernard-Stevens, Kristensen, and Lindsay who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Monday, January 8, 1996.

The motion prevailed.

MOTION - Chairperson of Executive Board

Mr. Withem moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council for the second ballot.

The motion prevailed.

Mr. Withem moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chair appointed Messrs. Abboud, Avery, and Beutler as tellers.

Vrtiska	21
Coordsen	23
	44

The Chair announced that a third ballot would be cast between Mr. Vrtiska and Mr. Coordsen.

The Chair appointed Messrs. Abboud, Avery, and Beutler as tellers.

Vrtiska	20
Coordsen	25
	45

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

The Chair declared the call raised.

MOTION - Adopt Rules

Mr. Will moved to adopt the permanent rules for the Ninety-Fourth Legislature, Second Session.

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on page 264, to Rule 6, Section 14.

Mr. Chambers offered the following amendment:
Amend Rule
Strike "not"

Messrs. Lynch and Coordsen 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, 20:

Avery	Dierks	Klein	Pirsch	Warner
Bohlke	Hudkins	Kristensen	Robak	Wesely
Chambers	Jensen	Lindsay	Schmitt	Wickersham
Crosby	Jones	McKenzie	Stuhr	Witek

Voting in the negative, 21:

Abboud	Engel	Hillman	Maurstad	Schellpeper
Beutler	Fisher	Janssen	Pedersen	Wehrbein
Brashear	Hartnett	Landis	Preister	Will
Bromm	Hilgert	Matzke	Robinson	Withem
Brown				

Present and not voting, 4:

Elmer	Schimek	Schrock	Vrtiska

Excused and not voting, 4:

Bernard-Stevens	Coordsen	Cudaback	Lynch

The Chambers amendment lost with 20 ayes, 21 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a roll call vote on the Rules Committee proposed rules change to Rule 6, Section 14.

Voting in the affirmative, 22:

Abboud	Engel	Janssen	Preister	Wehrbein
Beutler	Fisher	Landis	Robak	Wesely
Brashear	Hartnett	Matzke	Robinson	Will
Bromm	Hilgert	Maurstad	Schellpeper	Withem
Brown	Hillman			

Voting in the negative, 21:

Avery	Hudkins	Kristensen	Pirsch	Stuhr
Bohlke	Jensen	Lindsay	Schimek	Warner
Chambers	Jones	McKenzie	Schmitt	Wickersham
Crosby	Klein	Pedersen	Schrock	Witek
Dierks				

Present and not voting, 2:

Elmer	Vrtiska

Excused and not voting, 4:

Bernard-Stevens	Coordsen	Cudaback	Lynch

The Rules Committee proposed rules change lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on page 264, to Rule 3, Section 12.

Mr. Chambers requested a record vote on the Rules Committee proposed rules change to Rule 3, Section 12.

Voting in the affirmative, 28:

Beutler	Dierks	Janssen	Pedersen	Wehrbein
Bohlke	Elmer	Klein	Preister	Wesely
Brashear	Engel	Kristensen	Robinson	Wickersham
Bromm	Fisher	Matzke	Stuhr	Will
Brown	Hartnett	Maurstad	Warner	Withem
Chambers	Hillman	McKenzie		

Voting in the negative, 7:

Crosby	Jensen	Pirsch	Schmitt	Witek
Hudkins	Jones			

Present and not voting, 10:

Abboud	Hilgert	Lindsay	Schellpeper	Schrock
Avery	Landis	Robak	Schimek	Vrtiska

Excused and not voting, 4:

Bernard-Stevens	Coordsen	Cudaback	Lynch

The Rules Committee proposed rules change was adopted with 28 ayes, 7 nays, 10 present and not voting, and 4 excused and not voting.

Pending.

UNANIMOUS CONSENT - Member Excused

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

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1079. Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health care; to provide rights for patients; to state intent; to define terms; and to provide for civil actions.

LEGISLATIVE BILL 1080. Introduced by Robak, 22.

A BILL FOR AN ACT relating to insurance; to state intent; to prohibit certain acts relating to health insurance coverage for diagnosis and treatment of infertility; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 1081. Introduced by Robak, 22.

A BILL FOR AN ACT relating to medical assistance; to state intent; to provide for changes in rules and regulations; and to provide duties for the Department of Social Services.

LEGISLATIVE BILL 1082. Introduced by Maurstad, 30; Dierks, 40.

A BILL FOR AN ACT relating to housing authorities; to amend section 71-1510, Reissue Revised Statutes of Nebraska; to provide for payments in lieu of taxes for housing authorities created under Indian law; and to repeal the original section.

LEGISLATIVE BILL 1083. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-802, 13-803, 13-804, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 1995; to provide for interlocal agreements relating to public safety services; to authorize sales and use tax and property tax levies to fund interlocal agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1084. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to public buildings; to require state approval of certain capital construction projects proposed by political subdivisions; to define terms; to create the Government Efficiency Commission; and to provide an operative date.

LEGISLATIVE BILL 1085. Introduced by Warner, 25; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue; to amend sections 35-516, 80-102, and 80-102.01, Reissue Revised Statutes of Nebraska, and sections 35-517 and 77-1601, Revised Statutes Supplement, 1995; to eliminate certain county levy provisions; to provide for preliminary property levies; to change county levy dates; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1605.03, Reissue Revised Statutes of Nebraska, sections 77-1602, 77-1603, 77-1605, and 77-1605.01, Revised Statutes Supplement, 1994, and section 77-1612, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1086. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to insurance; to prohibit certain acts relating to fire, lightning, wind, tornado, or hail insurance.

LEGISLATIVE BILL 1087. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1735, Revised Statutes Supplement, 1995; to change a timeframe for filing a refund claim on illegal taxes paid; and to repeal the original section.

LEGISLATIVE BILL 1088. Introduced by Landis, 46; Robak, 22.

A BILL FOR AN ACT relating to liquor; to amend sections 53-117.07, 53-123, 53-131, 53-169, 53-171, and 53-188, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-123.14, 53-124, 53-124.11, 53-124.12, and 53-164.01, Revised Statutes Supplement, 1994; to provide for craft brewery licenses; to eliminate brewpub licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1089. Introduced by Jensen, 20; Brashear, 4; Brown, 6; Witek, 31.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2702.23, Revised Statutes Supplement, 1994; to redefine the term use; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1090. Introduced by Pirsch, 10; Hilgert, 7.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-103, Revised Statutes Supplement, 1994; to eliminate a requirement for submission of a club membership list at the time of application for a license; and to repeal the original section.

LEGISLATIVE BILL 1091. Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3811, Reissue Revised Statutes of Nebraska; to change provisions relating to other actual receipts; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-268 and 18-1719, Reissue Revised Statutes of Nebraska, section 14-102, Revised Statutes Supplement, 1994, and sections 16-230 and 17-563, Revised Statutes Supplement, 1995; to change provisions relating to herbaceous vegetation; to redefine a term; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1093. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1736 and 18-1737, Revised Statutes Supplement, 1995; to change provisions relating to handicapped parking; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to public works construction; to amend section 81-855, Reissue Revised Statutes of Nebraska; to change provisions relating to supervision by an architect or engineer; and to repeal the original section.

LEGISLATIVE BILL 1095. Introduced by Government, Military and Veterans Affairs Committee: Robinson, 16, Chairperson; Hilgert, 7; Janssen, 15; Stuhr, 24; Vrtiska, 1; Witek, 31; and Warner, 25.

A BILL FOR AN ACT relating to townships; to amend sections 23-224 and 39-1905, Reissue Revised Statutes of Nebraska, and sections 23-259, 23-276, and 71-1637, Revised Statutes Supplement, 1994; to change and eliminate tax levy limitations and authority as prescribed; to eliminate provisions relating to township bands; to provide an operative date; to repeal the original sections; and to outright repeal sections 23-801 to 23-807, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1096. Introduced by Lynch, 13; Engel, 17.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-302.01, 60-303, 60-305.04, 60-305.11, 60-305.15, 60-310, 60-311.02, 60-311.14, 60-311.21, 60-315, 60-318, 60-344, 60-1807, and 70-651.05, Reissue Revised Statutes of Nebraska, sections 60-106, 60-320, 66-4,128, 77-201, 77-202, 77-202.24, 77-1201, 77-1202, 77-1736.08, and 77-4501,

Revised Statutes Supplement, 1994, and sections 23-186, 60-302, 60-1411.03, 60-1803, 77-202.01 to 77-202.06, 77-202.25, 77-1342, 77-3437, and 79-3809, Revised Statutes Supplement, 1995; to define terms; to impose fees on motor vehicles; to provide exemptions from the fees; to provide fee schedules; to eliminate provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-1806 and 77-1242.02, Reissue Revised Statutes of Nebraska, sections 77-1238, 77-1239.05, 77-1239.06, 77-1240.03, 77-1241.01, and 77-1242.01, Revised Statutes Supplement, 1994, and sections 77-202.08, 77-1239 to 77-1239.02, 77-1240.01, and 77-1240.04, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1097. Introduced by Abboud, 12.

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

LEGISLATIVE BILL 1098. Introduced by Maurstad, 30; Coordsen, 32; Dierks, 40; Elmer, 44; Hudkins, 21; Jones, 43; Klein, 19; McKenzie, 34; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to property tax; to amend sections 77-506, 77-1360.01, and 79-3809, Revised Statutes Supplement, 1995; to change valuation provisions for agricultural and horticultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1099. Introduced by Brashear, 4; Abboud, 12; Beutler, 28; Bromm, 23; Kristensen, 37; Wickersham, 49.

A BILL FOR AN ACT relating to trademarks and trade names; to adopt the Counterfeiting Prevention and Trademark Protection Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 1100. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Revised Statutes Supplement, 1995; to change decree appeal provisions; and to repeal the original section.

LEGISLATIVE BILL 1101. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to industrial hygienists; to adopt the Industrial Hygiene Title Protection Act.

LEGISLATIVE BILL 1102. Introduced by Schrock, 38; Bromm, 23; Brown, 6; Elmer, 44; Hudkins, 21; Jensen, 20; Jones, 43; Maurstad, 30; Schellpeper, 18; Schmitt, 41.

A BILL FOR AN ACT relating to educational lands and funds; to amend sections 72-240.26, 72-258, and 72-259, Reissue Revised Statutes of Nebraska; to require the sale of certain educational lands; to prohibit new acquisitions; to provide reporting requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1103. Introduced by Schrock, 38; Bromm, 23; Dierks, 40; Elmer, 44; Hudkins, 21; Maurstad, 30; Schellpeper, 18; Schmitt, 41; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 39-102, 60-6,299, and 60-6,301, Reissue Revised Statutes of Nebraska, and section 60-6,298, Revised Statutes Supplement, 1995; to change provisions relating to special permits for exceeding size and weight restrictions and fees; and to repeal the original sections.

LEGISLATIVE BILL 1104. Introduced by Schrock, 38; Dierks, 40; Elmer, 44; Hudkins, 21; Jones, 43; Maurstad, 30; Schellpeper, 18; Schmitt, 41; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska, and sections 60-301 and 60-6,294, Revised Statutes Supplement, 1995; to exempt agricultural floater-spreader implements from weight and load restrictions; to define a term; to state intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1105. Introduced by Schrock, 38; Avery, 3; Brown, 6; Dierks, 40; Jensen, 20; Jones, 43.

A BILL FOR AN ACT relating to tobacco; to prohibit certain advertising practices; and to create a civil penalty.

RESOLUTION

LEGISLATIVE RESOLUTION 292CA. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 6 to Article IX, and repeal Article IX, sections 2 and 5:

IX-6 "Local governments shall be organized and operated to achieve efficiency and accountability to local taxpayers. A county government may merge with a municipal government within the county and adjacent counties may merge. The Legislature shall provide procedures facilitating the merger of local governmental units.

Local governments shall also be permitted to deliver public services jointly and efficiently through agreement between local governmental units. Notwithstanding any other provision in this Constitution to the contrary, the Legislature may permit joint use of any public facility and may provide for negotiated financing and administration of a jointly operated service or a merged local governmental unit. The authorization may permit different tax rates to be levied within and outside municipalities and on different classes of property. Any different tax rates allowed pursuant to this section shall only be permitted when required by an agreement between local governmental units levying the tax as a source of funds for a jointly operated service or when required by an agreement governing a merger."

"Article IX, sections 2 and 5, of the Constitution of Nebraska are repealed.".

Sec. 2. 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 merger of local governmental units, to permit joint delivery of services by local governmental units, to permit different tax rates for such purposes, and to repeal provisions relating to changes to county boundaries and township organization.

For

Against".

Referred to the Reference Committee.

MOTION - Adopt Rules

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on page 264, to Rule 6, Section 7(b).

Mr. Chambers requested a record vote on the Rules Committee proposed rules change to Rule 6, Section 7(b).

Voting in the affirmative, 25:

Avery	Brown	Hartnett	Janssen	Klein
Beutler	Engel	Hilgert	Jensen	Landis
Bohlke	Fisher	Hillman	Jones	Matzke

Maurstad	Preister	Vrtiska	Wehrbein	Will
McKenzie	Stuhr	Warner	Wickersham	Withem

Voting in the negative, 6:

Bernard-Stevens	Chambers	Hudkins	Pirsch	Witek
	Crosby			

Present and not voting, 15:

Abboud	Dierks	Lindsay	Robinson	Schmitt
Brashear	Elmer	Pedersen	Schellpeper	Schrock
Bromm	Kristensen	Robak	Schimek	Wesely

Excused and not voting, 3:

Coordsen	Cudaback	Lynch

The Rules Committee proposed rules change was adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on pages 264 and 265, to Rule 6, Section 3(h), Rule 6, Section 5(b), and Rule 6, Section 6.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem offered the following amendment:

Amend proposed Rules Change #4, by adding the following new language at the end of paragraph (h):

", unless proposed as part of a committee amendment."

MRS. CROSBY PRESIDING

The Withem amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Messrs. Coordsen and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:

Amend Rule proposal #4

Strike "substantially" wherever it appears

Messrs. Bernard-Stevens, Klein, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 5, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Andrew F. - Lincoln	Nebraska Republican Party
Adams Jr., Donald D. - Lincoln	Nebraskans First, Inc.
Adams, John H. - Omaha	International Gamco, Inc.
Alberts, Dan - Lincoln	T. O. Haas Tire Company, Inc.
Andersen, Robert C. - Lincoln	Nebraska Cooperative Council
Anderson, Robert L. - Lincoln	Anderson Management Services, Inc. Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Anderson, Tim W. - Holdrege	The Central Nebraska Public Power & Irrigation District
Applegate, Micheal L. - Wayne	Northeast Nebraska Juvenile Services, Inc.
Arfmann, William W. - Lincoln	Nebraska Association of Public Employees, AFSCME Local 61
Baack, Dennis G. - Lincoln	Nebraska Community College Association
Beattie, George - Lincoln	Nebraska Bankers Association
Beermann, Allen J. - Lincoln	Nebraska Press Association
Belcher, Barbara N. - Overland Park, KS	Merck & Company, Human Health Division
Bell, C. R. "Bob" - Omaha	Greater Omaha Chamber of Commerce
Benson, Lorrie B. - Lincoln	Association of Nebraska Community Action Agencies
Bernbeck, Kent - Lincoln	ABATE of Nebraska Citizens Committee
Bleich, Walt - Lincoln	Citizen Action
Boehm, John M. - Lincoln	Sarpy County Board of Commissioners
Boldt, G. Randy - Omaha	Blue Cross & Blue Shield of Nebraska HMO Nebraska, Inc.
Bonaiuto, John A. - Lincoln	Nebraska Association of School Boards
Boucher, Richard L. - Lincoln	Nebraska County Attorneys Association
Boyle & Associates, P.C. Boyle, Michael - Omaha	Property Owners Association
Brandt, Henry F. - Lincoln	Bailey-Lauerman & Associates Inc.
Brazeal, Doris S. - Columbus	American Association of Retired Persons
Brown, Vincent D. - Lincoln	American Petroleum Institute
Burling, Carroll - Lincoln	Nebraska Farm Bureau Federation
Butler, Richard J. - Lincoln	Nebraska Mortgage Association
Butler, Terri Mecham - Lincoln	United Cerebral Palsy of Nebraska
Byrd, Eric - Lincoln	Nebraska Health Care Association
Carlson, Karen A. - Lincoln	U S WEST Communications

Carpenter, Rex - Lincoln	Nebraska Rural Electric Association
Carstenson, Eric B. - Lincoln	Lincoln Chamber of Commerce
Cavanaugh, James P. - Lincoln	Creighton University
	Independent Insurance Agents of Nebraska
	Nebraska Fraternal Order of Police
	UTILICORP UNITED
Cheloha, John A. "Jack" - Omaha	City of Omaha
Childers, Paula - Hastings	Mothers Against Drunk Driving, Nebraska (MADD)
Clayburn, Neal - Lincoln	Lincoln Education Association
Cline, Williams, Wright, Johnson & Oldfather	
Buntain, David R. - Lincoln	Nebraska Medical Association
Campbell, Mary M. - Lincoln	Educational Service Units Administrator Association
	Friends of Nebraska Non-Profit Hospitals, c/o Alegent Health
	International Game Technology
	Lincoln Public Schools
	Nebraska Beer Wholesalers Association
	Nebraska Cable Communications Association
	Nebraska Health Care Association
	Nebraska Medical Association
	Nebraska Wholesale Liquor Distributors Association
	State Troopers Association of Nebraska, Inc.
	Waste Management Inc., Midwest
Pallesen Jr., Charles M. - Lincoln	International Game Technology
	Nebraska Medical Association
Peterson, Alan E. - Lincoln	Central Interstate Low-Level Radioactive Waste Commission
	Media of Nebraska, Inc.
Renner, Shawn D. - Lincoln	Media of Nebraska, Inc.
Cockey, Sharon B. - New York, NY	Metropolitan Life Insurance Company
Coffman, Fredrick J. - Lincoln	O'Hara & Associates, Inc.
Connolly, Christopher J. - Wayne	Northeast Nebraska Juvenile Services, Inc.
Conway, Gerald A. - South Sioux City	Great West Casualty Company
Cooksley, Mary Bell - Berwyn	American Association of Retired Persons
Craig, Robert B. - Lincoln	The American Legion, Dept. of Nebraska
Crosby, Guenzel, Davis, Kessner & Kuester	
Crosby, Robert B. - Lincoln	Better Nebraska Association
Seglin, Steven G. - Lincoln	MCI Telecommunications Corporation
	US Ecology
Wade, Rick G. - Lincoln	Better Nebraska Association
	Nebraska Cooperative Council
Crosier, Donald A. - Lincoln	American Association of Retired Persons
Cuca Jr., Ralph "Bud" - Lincoln	Nebraska Motor Carriers Association
Cunningham, James R. - Lincoln	Nebraska Catholic Conference

Cutshall, Bruce A. - Lincoln	Board of Trustees of Nebraska State College Systems
	Bryan Memorial Hospital
	Community Lottery System, Inc.
	Fleetwood Travel Trailers of Nebraska
	Kelley & Lehan, P.C.
	Lincoln Medical Education Foundation
	Metropolitan Utilities District
	Nebraska Academy of Family Physicians
	Nebraska Association of Area Agencies on Aging
	Nebraska Association of Home & Community Health Agencies
	Nebraska Association of Resources Districts
	Nebraska Cattlemen, Inc.
	Nebraska Corn Growers Association
	Nebraska County Judges' Association
	Nebraska Dietetic Association, Inc.
	Nebraska Financial Services Association
	Nebraska Public Power District
	Nebraska Railroad Association
	Nebraska State Irrigation Association
	Nebraska Thoroughbred Breeders' Association
	Nebraska Water Resources Association
	Nebraska Water Users, Inc.
	Ruth & Mueller Law Firm
	Southern Nebraska Rural Public Power District
DeCamp Legal Services, P.C.	
DeCamp, John - Lincoln	Nebraska Aviation Trades Association
	Nebraska Chiropractic Physicians Association
	Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln	Municipal Energy Agency of Nebraska (MEAN)
	Nebraska Municipal Power Pool
	Nebraska Public Gas Agency (NPGA)
Dobler, James B. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Dulaney, Michael S. - Lincoln	Nebraska Council of School Administrators
Edgerton, Steve - Omaha	Nebraska Credit Union League, Inc.
Edson, Dean E. - Lincoln	Nebraska Farm Bureau Federation
Ellerbee, Don - Hastings	Nebraska Funeral Directors Association
	Nebraska Veterinary Medical Association
Elliott, Joseph W. - Omaha	Professional Insurance Agents of Nebraska
Enewold, Richard H. - Omaha	AT&T Corp
Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Erickson & Sederstrom, P.C.
Evans, Eric A. - Lincoln	Nebraska Advocacy Services, Inc.

Fischer, David B. - Omaha	Union Pacific Railroad
Flannery, John S. - Des Moines, IA	GTE
Fox, Alvin - Geneva	Fox Lobbying
Fraizer, T. J. - Lincoln	American Insurance Association
	Mutual of Omaha Insurance Company
Frazier, Lawrence A. - Lincoln	Farmers Mutual Insurance Co. of Nebraska
Frey, John O. - Lincoln	Nebraska Vocational Association (NVA)
Funk, Christine - Lincoln	Planned Parenthood of Lincoln
Gady, Richard L. - Omaha	ConAgra, Inc.
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	City of Lincoln
Gordon, James E. - Lincoln	DeHart & Darr Association
Graves Jr., Eugene J. - Omaha	Metro Omaha Builders Association
Greger, Lynette L. - Lincoln	ABATE of Nebraska
Grieser, Mary Taylor - Lincoln	Nebraska Society of Certified Public Accountants
Griess, James R. - Lincoln	Nebraska State Education Association
Guy, Burnell C. - Lincoln	Brain Injury Association of Nebraska Inc.
Hale, Brian R. - Lincoln	Nebraska Association of School Boards
Hale, Susan M. - Lincoln	Planned Parenthood of Omaha/Council Bluffs
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek	
Hallstrom, Robert J. - Lincoln	National Federation of Independent Business
	Nebraska Association of County Superintendents
	Nebraska Bankers Association
	Nebraska Pharmacists Association
	NETWORKS, INC.
Hansen, John K. - Lincoln	Nebraska Farmers Union
Hansen, JoAnn - Lincoln	Nebraska Public Power District
Hartley, Richard - Lincoln	Mothers Against Drunk Driving, Nebraska
Hartley, Shirley - Lincoln	Mothers Against Drunk Driving, Nebraska
Hartmann, William - Lincoln	Nebraska Land Improvement Contractors Association
Harvey, Robert A. - Alliance	Brotherhood of Locomotive Engineers Nebraska State Legislative Board
Harvey, William F. - Omaha	Big Red Keno Ltd.
Hedman, Gary - Grand Island	Southern Nebraska Rural Public Power District
Hogrefe, Raymond H. - Lincoln	National Association Retired Federal Employees, Nebraska Federation
Hoke, Fred A. - Lincoln	Christian Science Committee on Publication for Nebraska
Holmquist, Jay - Lincoln	Nebraska Rural Electric Association

Hood, Jane Renner - Lincoln	Nebraska Humanities Council
Horne, Virgil L. - Lincoln	Lincoln Public Schools
Howell, William R. - Glencoe, MO	Pharmacia/UpJohn Company
Huff Jr., Walt - Lincoln	Associated General Contractors, Nebraska Chapter
Hughes, Donald G. - Schaumburg, IL	Alliance of American Insurers
Humpal, John E. - Omaha	Blue Cross & Blue Shield of Nebraska
Jenkins, Thomas J. - Omaha	Blue Cross & Blue Shield of Nebraska
Jennings, Warren E. - Lincoln	Insurance Federation of Nebraska
Jensen Associates, Inc.	
Jensen, Ronald L. - Lincoln	CMG Health, Inc.
	Nebraska Association of Homes for the Aging
	Nebraska Association of Nurse Anesthetists
	Nebraska Association of Private Resources
	Nebraska Dental Hygienists' Association
	Nebraska Optometric Association
	Nebraska Podiatric Medical Association
	Sierra Club - Nebraska Chapter
Jensen, S. Michael - Blair	Great Plains Communications, Inc.
Jewell, Jan - Lincoln	DeCamp Legal Services, P.C.
Johnson, Dick - Lincoln	Associated Builders & Contractors, Inc.
Johnson, Mary A. - Lincoln	Ruth & Mueller Law Firm
Jordison, John C. - Lincoln	Nebraska Tax Research Council, Inc.
Kamm, Richard D. - Columbus	Class VI School Association
	Nebraska School Finance Coalition
Kay, Sara A. - Lincoln	Nebraska Water Resources Association
Keetle, Roger S. - Lincoln	Nebraska Association of Hospitals & Health Systems
Kelley, Michael - Omaha	America First Capital Associates
	Big Red Keno Ltd.
	Bruce A. Cutshall
	Douglas County, Nebraska
	Eastern Nebraska Human Service Agency
	Horsemen's Benevolent & Protective Association
	Kelley, Lehan & Hall, P.C.
	Metro Area Transit
	Metropolitan Utilities District
	Nebraska Criminal Defense Attorneys Association
	Omaha Airport Authority
	The Central Nebraska Public Power & Irrigation District
	U.S. Ecology
	United Retailers Liquor Association of Nebraska
Kennedy, Barry L. - Lincoln	Nebraska Chamber of Commerce & Industry
Kevil, G. Bruce - Lincoln	Nebraska State Home Builders Association
King, Peggy - Lincoln	Erickson & Sederstrom, P.C.

Kirk, Nance - Lincoln	Nebraska Motor Carriers Association
Kissel/E&S Associates, L.L.C.	
Kissel, Gordon - Lincoln	Erickson & Sederstrom, P.C.
	Lancaster County Board of Commissioners
	Lincoln Electric System
	Nebraska Investment Finance Authority
	Refractory Users Coalition
	Regional Administrators Council
Klumpp, John W. - Lincoln	Nebraska United Veterans Council
Kratz, Dean G. - Omaha	Nebraska Building Chapter Associated General Contractors
	Nebraska League of Savings Institutions
Kratz, Paul D. - Omaha	Vetter Health Services
Krivosha, Norman M. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Krumland, Gary G. - Lincoln	League of Nebraska Municipalities
Kruse, Larry D. - Blue Springs, MO	Glaxo Inc.
Kulesher, Kate M. - Omaha	American Home Products Corp
Lanz, Tom - Lincoln	Nebraska Bowhunters Association
	Safari Club - Nebraska Chapter
Larsen, Carlin L. - Chadron	U S WEST Communications
Larsen, L. M. - Kearney	American Association of Retired Persons
Lee, Ken D. - Omaha	Citizens Committee
Licht, Alice L. - Lincoln	Anderson Management Services, Inc.
	Automotive Recycling Industry of Nebraska
	Nebraska Autobody Association, Inc.
	Nebraska Coalition For Interior Design
	Nebraska Fertilizer & Ag-Chemical Institute, Inc.
	Nebraska Lodging Association, Inc.
	Nebraska State Pest Control Association
Lineweber, Ray L. - Lincoln	United Transportation Union
Lombardi-Erickson/American Communications Group	
Lombardi, Richard A. - Lincoln	Nebraska Academy of Physician Assistants
	Nebraska Association of Community Mental Health Providers
	Nebraska Association of Public Employees, AFSCME Local 61
	Nebraska Chapter of American Physical Therapy Association
	Nebraska Counseling Association
	Nebraska Craft Brewers
	Nebraska Professional Fire Fighters Association
	Nebraska Psychological Association
	Nebraska Speech, Language, & Hearing Association
	Papio-Missouri Natural Resources District
Lostroh, Julia J. - Lincoln	Nebraska Right to Life, Inc.

Lowder, Leonard R. - Omaha	The American Society of Mechanical Engineers
Lowrey, Lon D. - Florissant, MO	Sandoz Pharmaceuticals
Marcus, Joan K. - Omaha	The ARC of Nebraska
McBride, David S. - Lincoln	Nebraska Optometric Association
	Nebraska State Association of Life Underwriters
McCue, Paul - Lincoln	Lincoln Chamber of Commerce
McCullough, Mardy - Lincoln	Nebraska Land Title Association
McDonald, Gordon L. - Omaha	Nebraska State AFL-CIO
McFarland, James D. - Lincoln	Common Cause/Nebraska
McGuire, Mark D. - Lincoln	Crow Butte Resources, Inc.
	Nebraska State Education Association
Mihovk, Donald J. - Lincoln	Nebraska Chamber of Commerce & Industry
Miles, John C. - Lincoln	Federated Investors
Miller, Cy - Lincoln	Working Poor
Miller, George P. - Plattsmouth	Nebraska Press Association
Milligan, Cynthia H. - Lincoln	Norwest Bank Nebraska, N.A.
Mills, Guyla - Lincoln	Metro Right to Life
Mills, Jack D. - Lincoln	Nebraska Association of County Officials
	Nebraska County Attorneys Association
Monaghan, Judy J. - Omaha	Scientific Games Inc.
Moody, Randall - Lincoln	American Association of University Professors-UNL
	American National Bank
	Nebraska Library Association
	Nebraska Society of Radiologic Technologists
	Nebraska State Education Association
	Planned Parenthood of Lincoln
	The Nature Conservancy
Moors, H. Jack - Lincoln	Anheuser-Busch Companies
	Central Platte Natural Resources District
	Crow Butte Resources, Inc.
	First Federal Lincoln
	Nebraska Association of Tobacco & Candy Distributors
	Nebraska Corn Growers Association
	Nebraska State Irrigation Association
	Nebraska Water Resources Association
	Nebraska Water Users, Inc.
	Village of Butte
	3M/Traffic Control Materials Division
Morrissey, Spencer W. - Tecumseh	Brotherhood of Maintenance of Way Employees
Morrow, Arlillian Hall - Omaha	American Association of Retired Persons
Moylan, James H. - Omaha	Douglas County, Nebraska
	Nebraska Licensed Beverage Association
	R. J. Reynolds Tobacco
Mueller, William J./Ruth & Mueller Law Firm	

Mueller, William J. - Lincoln	American Express Financial Advisors
	American Express Travel Related Services Company, Inc.
	Andersen Consulting
	ASARCO Incorporated
	AT&T Corp
	Big Red Keno Ltd.
	Chief Ethanol Fuels, Inc.
	Committee for Regional High School System
	First Data Corporation
	Heartland Community Bankers Association
	Jobs for Nebraska
	Kellogg Company
	Lincoln Airport Authority
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Court Reporters Association
	Nebraska Dental Association
	Nebraska Hearing Aid Association
	Nebraska Interactive
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association
	Nebraska Section of the American College of Obstetricians and Gynecologists
	Nebraska Society of Independent Accountants
	Nebraska State Bar Association
	Pharmaceutical Research and Manufacturers of America
	Platte County Agricultural Society
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Neidig, Bryce P. - Lincoln	Nebraska Farm Bureau Federation
Nelson, Craig L. - Lincoln	Nebraska Association of County Officials
Nielsen, Coleen J. - Lincoln	State Farm Insurance
Niemann, Nicholas K. - Omaha	Greater Omaha Chamber of Commerce
Norris, Cathy J. - Denver, CO	American Automobile Manufacturers Association
Nuckolls, William C. - Fairbury	American Association of Retired Persons
O'Hara & Associates, Inc. O'Hara, Paul V. - Lincoln	Bishop Clarkson Memorial Hospital
	Blue Cross & Blue Shield of Nebraska
	Farmers State Bank
	Finocchiaro Wine Co., Inc.
	First National Bank of Omaha
	Friends of Higher Education
	GTECH Corporation

	Hall County Livestock Improvement Association
	KN Energy, Inc.
	Maximus, Inc.
	Nebraska Association of Trial Attorneys
	Nebraska Humanities Council
	Nebraska Soft Drink Association
	Northern Natural Gas Co.
	Omaha Public Power District
	Pioneer Hi-Bred International, Inc.
	West Publishing
O'Hara, Paul V. - Lincoln	O'Hara & Associates, Inc.
O'Neill Jr., Thomas J. - Lincoln	Association of Independent Colleges & Universities of Nebraska (AICUN)
Obst, Robert E. - Grand Island	U S WEST Communications
Olson Jr., William E. - Lincoln	T. O. Haas Tire Company, Inc.
Orton, Lee - Lincoln	Nebraska State Irrigation Association
	Nebraska Well Drillers Association
Pack, Korby M. - Lincoln	Walter H. Radcliffe of Radcliffe & Associates
Pack, Mary M. - Lincoln	Walter H. Radcliffe of Radcliffe & Associates
Palmer, Betsy - Lincoln	American Association of Retired Persons
Pappas, James E. - Lincoln	Clean Harbor, Technology Corp.
	Millard Public Schools
	Nebraska Keno Operators
	Northwestern Public Service
Parker, David R. - Lincoln	Great West Casualty Company
	Joe Morten and Son, Inc.
Patterson Jr., Walter L. - Lincoln	Nebraska Cooperative Council
Peetz, Natalie - Omaha	Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln	Nebraska Optometric Association
Peters, William E. - Lincoln	Burlington Northern Railroad
	Golden Rule Insurance Company
	The Tobacco Institute
Pierson, Darwin R. - McCook	Nebraska Independent Oil & Gas Association
Piper, George - Walthill	Center for Rural Affairs
Popken, Kent T. - Lincoln	U S WEST Communications
Potter, Cara E. - Omaha	Kelley, Lehan & Hall, P.C.
Prazan, Jerome J. - Omaha	James P. Cavanaugh
Preston, James N. - Lincoln	Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln	Woodmen Accident and Life Company
Ptacek, Kelly Karl - Omaha	Greater Omaha Chamber of Commerce
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	Alamo Rent-A-Car, Inc.
	Arkansas Power and Light Company
	FHC Options, Inc.
	Gulf States Utilities
	GTECH Corporation
	Lincoln Public Schools
	Lincoln Telecommunications Company
	Louisiana Power and Light Company
	Media of Nebraska, Inc.

	Motion Picture Association of America, Inc.
	Nebraska Cable Communications Association
	Nebraska Financial Services Association
	Nebraska Health Care Association
	Nebraska Manufactured Housing Association, Inc.
	Nebraska Optometric Association
	Nebraska Pyrotechnics Association
	Nebraska Realtors Association
	Nebraska Securities Industry Association
	Nebraska Society of Certified Public Accountants
	Nebraska State Cemetery Association
	Nebraska Wholesale Liquor Distributors Association
	Smokeless Tobacco Council, Inc.
	State Troopers Association of Nebraska, Inc.
	The Wine Institute
	Thoroughbred Racing Associations of Nebraska
	Waste Management of North America, Mid-West Region
	Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln	Friends of Nebraska Non-Profit Hospitals
	Friends of Rural Education
	Great Plains Communications, Inc.
	Iowa/Nebraska Farm Equipment Association
	LensCrafters
	National Rifle Association
	Nebraska Independent Auto Dealers Association
	Nebraska Petroleum Marketers, Inc.
	Nebraska State Board of Agriculture
	Nebraska State Historical Society
	Norwest Bank Nebraska, N.A.
	Philip Morris U.S.A.
	Sowers Club of Lincoln, Inc.
	Western Association
Reilly, Tara - Fairfax, VA	National Rifle Association
Remington, S. June - Lincoln	Nebraska Chapter of National Association of Social Workers
	Nebraska State Association of Life Underwriters
Rempe, Jay E. - Lincoln	Nebraska Farm Bureau Federation
Rex, Gary L. - Lincoln	Lincoln Telecommunications Company
Rex, L. Lynn - Lincoln	League of Nebraska Municipalities
Reynolds, Arven D. - Lincoln	American Association of Retired Persons

Richard, Dwayne - Lincoln	Car and Truck Renting and Leasing Association
	Cornhusker Food Retailers Association
	Nebraska Retail Federation
	Nebraska Retail Grocers Association
Richards, Eric A. - Lincoln	The ARC of Nebraska
Richards, Tom - Omaha	Omaha Public Power District
Rickel, Charles W. - Lincoln	National Association Retired Federal Employees, Nebraska Federation
Riibe, Diane - Hooper	Mothers Against Drunk Driving, Nebraska
Ritchie, A. Jocelyn - Lincoln	Nebraska Advocacy Services, Inc.
Roberts, John L. - Lincoln	Nebraska Association of Hospitals & Health Systems
Robertson, Rob J. - Lincoln	Nebraska Farm Bureau Federation
Rogers, Carson H. - Lincoln	Nebraska Cooperative Council
	Nebraska Pork Producers Association, Inc.
Ruehle, Greg - Lincoln	Nebraska Cattlemen, Inc.
Rupp, Lee - Lincoln	University of Nebraska
Ruth, Larry L./Ruth & Mueller Law Firm	
Ruth, Larry L. - Lincoln	American Express Financial Advisors
	American Express Travel Related Services Company, Inc.
	Andersen Consulting
	ASARCO Incorporated
	AT&T Corp
	Big Red Keno Ltd.
	Chief Ethanol Fuels, Inc.
	Committee for Regional High School System
	First Data Corporation
	Heartland Community Bankers Association
	Jobs for Nebraska
	Kellogg Company
	Lincoln Airport Authority
	Nebraska Academy of Ophthalmology
	Nebraska Collectors Association, Inc.
	Nebraska Court Reporters Association
	Nebraska Dental Association
	Nebraska Hearing Aid Association
	Nebraska Interactive
	Nebraska Methodist Health System, Inc.
	Nebraska Petroleum Marketers, Inc.
	Nebraska Press Association
	Nebraska Rural Community Schools Association
	Nebraska Section of the American College of Obstetricians and Gynecologists
	Nebraska Society of Independent Accountants
	Nebraska State Bar Association

	Pharmaceutical Research and Manufacturers of America
	Platte County Agricultural Society
	Printing Industries of the Midlands, Inc.
	Western Sugar Company
Ryan, Beth - Lincoln	Nebraska Railroad Association
Sahling, Shelley R. - Lincoln	Lincoln Electric System
Sands, David - Lincoln	National Audubon Society
Sanne, Richard D. - Lincoln	Nebraska Grain and Feed Association
Scanlan, Jeffrey L. - Plattsmouth	Cornhusker Casualty Company
Scarpello, Sam M. - Omaha	Nebraska State Council of Electrical Workers
	Omaha Federation of Labor
Schellpeper, William L. - Lincoln	Nebraska Medical Association
Schimek, Herbert H. - Lincoln	Nebraska State Education Association
Schmit-Albin, Julie - Lincoln	Nebraska Right to Life, Inc.
Schmit, Loran/Schmit Industries Inc.	
Schmit, Loran - Bellwood	Ag Processing, Inc.
	Ethanol Research, Development Associates
Sedlacek, Ron/Brandt, Horan, Hallstrom & Sedlacek	
Sedlacek, Ronald J. - Lincoln	Nebraska Bankers Association
	Nebraska Chamber of Commerce & Industry
	Travelers Express Company, Inc.
Seever, Samuel F. - Lincoln	Harris Laboratories, Inc.
Sellentin, Jerry L. - Lincoln	Nebraska Council of School Administrators
Semerad, Mark F. - Omaha	ConAgra, Inc.
Settje, Dean - Lincoln	Nebraska Cattlemen, Inc.
Shaw, Timothy F. - Lincoln	Nebraska Advocacy Services, Inc.
Shultz, Jack L. - Lincoln	Motorcycle Industry Council, Inc.
	Nebraska Telephone Association
Siefken, Kathy - Omaha	Nebraska Retail Grocers Association
Sigerson, Chuck - Omaha	Nebraska Republican Party
Smith, Dwayne G. - Columbus	Loup River Public Power District
Smith, Jeffry H. - Arapahoe	Arapahoe Telephone Company
	Cozad Telephone Company
	Curtis Telephone Company
	Hunt Nebraska, Inc.
	Keystone-Arthur Telephone Company
Snyder, Patricia - Lincoln	Licensed Practical Nurse Association of Nebraska
Solem, Calvin C. - Omaha	Associated General Contractors
Stading, Donald R. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek	
Stilmock, Gerald M. - Syracuse	National Federation of Independent Business
	Nebraska Association of County Superintendents
	Nebraska Pharmacists Association
	Nebraska State Volunteer Firefighter's Association
Stone, Fred R. - Lincoln	Nebraska Petroleum Marketers, Inc.

Strange, Martin D. - Walthill	Center for Rural Affairs
Sullivan, J. Scott - Omaha	Nebraska Credit Union League, Inc.
Suttle, Deborah S. - Omaha	League of Women Voters of Nebraska
	Owens Educational Services, Inc.
	PRIDE - Omaha
Swartz, Jack - Lincoln	Nebraska Chamber of Commerce & Industry
Thompson, Nancy L. - Walthill	Center for Rural Affairs
Thone, Charles/Erickson & Sederstrom, P.C.	
Thone, Charles - Lincoln	Anderson Management Services, Inc.
	AIA, Nebraska
	AMERISTAR
	Board of Educational Lands and Funds
	Nebraska Municipal Power Pool
	Nebraska Society of Clinical Laboratory Science
Thormahlen, Virginia L. - Scottsbluff	American Association of Retired Persons
Todd Jr., A. Loy - Lincoln	Nebraska New Car & Truck Dealers Association
Tooker, Norman E. - Ralston	Nebraska State Grange
Ullstrom, Galen F. - Omaha	Mutual of Omaha Insurance Company
Urdahl, Michael B. - Blair	Great Plains Communications, Inc.
Vickers, Tom - Lincoln	Board of Educational Lands and Funds
	Distilled Spirits Council of the U.S., Inc. (DISCUS)
	Nebraska Association of School Boards
	Nebraska Community College Association
	Nebraska Nurses Association
	Nebraska Occupation Therapy Association, Inc.
	Westside Community Schools
Vodvarka, Dan - Lincoln	Nebraska Society of Certified Public Accountants
Wagner, Connie - Lincoln	Licensed Practical Nurse Association of Nebraska
	Nebraska Health Care Association
Wallace Jr., Edward B. - St. Ann, MO	General Motors Corporation
Watson, Carol S. - Lincoln	Lincoln Benefit Life Company
Watson, James S. - Omaha	United HealthCare Corporation
Whitted Sr., Warren R. - Omaha	American Association of Retired Persons
Widholm, Paula - Lincoln	Nebraska Farm Bureau Federation
Wiitala, Steve - Omaha	Omaha Public Schools
Williams, David M. - Lincoln	American Council of Life Insurance
	Ameritas Life Insurance Corporation
Williamson, Lyle - Denver, CO	MCI
Wilson, Rob - Lincoln	UtiliCorp United
Wininger, Dwight R. - Lincoln	Nebraska Telephone Association
Wright, Norman H. - Omaha	Multistate Associates Incorporated on Behalf of National Wholesale Druggists Association
	Multistate Associates Incorporated on Behalf of Smart Corporation

	Services for Children, Inc.
Wurtz, Thomas A. - Omaha	Metropolitan Utilities District
Wylie, Ruth Ann - Lincoln	Lincoln Education Association
Wylie, William M. - Elgin	Nebraska Insurance Information Service
Yost, Kurt T. - Lincoln	Friends of Nebraska Non-Profit Hospitals
	Midwest Check Cashing Inc.
	Nebraska Independent Bankers Association
Young, Harry D. - Beatrice	Norris Public Power District

PROPOSED RULES CHANGE

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 1, Section 1(b)(iii):
(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 7(c) 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 vice-chairperson of the Executive Board for the balance of the original term.

ANNOUNCEMENT

Mrs. Hudkins designates LB 256 as her priority bill.

MESSAGE FROM THE GOVERNOR

December 26, 1995

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 Game and Parks Commission.

APPOINTEE: Thomas J. O'Neill, Jr., 6320 Marlborough Road, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:dj

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1106. Introduced by Schrock, 38; Bromm, 23; Elmer, 44; Jones, 43; Klein, 19; Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-2202.03, 79-2202.08, 79-2203, 79-2203.03, 79-2204.01, 79-2208, 79-2209, 79-2210.01, 85-121.03, 85-933, 85-1501, 85-1502, 85-1515, 85-1516, and 85-1535, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, and 77-2704.24, Revised Statutes Supplement, 1994, and sections 77-3437, 77-3438, 77-3439, 79-2225, and 85-1536, Revised Statutes Supplement, 1995; to eliminate the levy authority of community colleges and educational service units; to tax sales of food; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-2202.02 and 85-1518, Reissue Revised Statutes of Nebraska, and sections 79-2210 and 85-1517, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1107. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to housing authorities; to amend section 71-1510, Reissue Revised Statutes of Nebraska; to provide for payments in lieu of taxes for housing authorities created under Indian law; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to physician assistants; to amend sections 71-1,107.19, 71-1,107.25, 71-1,107.26, and 71-1,107.29, Reissue Revised Statutes of Nebraska, sections 71-1,107.16, 71-1,107.17, 71-1,142, 71-1,147.53, and 71-1,147.57, Revised Statutes Supplement, 1994, and sections 71-3508, 71-5108, 71-5109, 71-5111, and 71-7001, Revised Statutes Supplement, 1995; to change certification to licensure; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1109. Introduced by Witek, 31.

A BILL FOR AN ACT relating to public libraries; to amend sections 51-207, 51-210, and 51-211, Reissue Revised Statutes of Nebraska; to change provisions relating to control of funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1110. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to landlords and tenants; to amend section 76-1416, Reissue Revised Statutes of Nebraska; to change the time for return of deposits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1111. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to county government; to amend section 23-114.01, Reissue Revised Statutes of Nebraska; to change compensation for members of the county planning commission; and to repeal the original section.

LEGISLATIVE BILL 1112. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 79-403, 79-487, 79-490, 79-516.08, 79-3410, and 79-3811, Reissue Revised Statutes of Nebraska; to change provisions relating to transportation; and to repeal the original sections.

LEGISLATIVE BILL 1113. Introduced by Wesely, 26; Dierks, 40; Lynch, 13; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to personal care aides; to state intent relating to increasing hourly rates.

LEGISLATIVE BILL 1114. Introduced by Warner, 25; Coordsen, 32; Hartnett, 45; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 19-1309, Reissue Revised Statutes of Nebraska, section 23-119, Revised Statutes Supplement, 1994, and sections 23-120, 79-2210, and 85-1517, Revised Statutes Supplement, 1995; to change and provide limits on property tax levies for governmental subdivisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1115. Introduced by Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to revenue; to amend sections 79-101.01, 79-451, and 79-3815, Reissue Revised Statutes of Nebraska, section 23-3616, Revised Statutes Supplement, 1994, and sections 13-508, 79-3803, and 85-1517, Revised Statutes Supplement, 1995; to define terms; to provide for governmental budget limits; to provide duties for the Department of Revenue, the Auditor of Public Accounts, and the State Department of Education; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-3817,

79-3818, 79-3820, and 79-3821, Reissue Revised Statutes of Nebraska, sections 77-3438.01 and 77-3440, Revised Statutes Supplement, 1994, and sections 77-3437, 77-3438, 77-3438.02, 77-3439, 79-3814, 79-3816, and 79-3819, Revised Statutes Supplement, 1995; and to declare an emergency.

LEGISLATIVE BILL 1116. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-516.08, Reissue Revised Statutes of Nebraska; to change provisions relating to depopulated districts; and to repeal the original section.

LEGISLATIVE BILL 1117. Introduced by Bohlke, 33; Withem, 14.

A BILL FOR AN ACT relating to teacher certification; to amend section 79-1247.07, Reissue Revised Statutes of Nebraska; to change provisions relating to a fee; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 1044. No objections. So ordered.

RECESS

At 12:02 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., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mr. Cudaback who was excused; and Messrs. Abboud, Bernard-Stevens, Brashear, Chambers, Hartnett, Kristensen, Landis, Schrock, Will, Mmes. Bohlke, Hillman, Pirsch, and Stuhr who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1118. Introduced by Abboud, 12; Avery, 3; Jensen, 20; Pedersen, 39; Witek, 31.

A BILL FOR AN ACT relating to 911 service; to amend section 86-1003, Revised Statutes Supplement, 1994; to eliminate a restriction

on an additional amount of service surcharge; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1119. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 79-1501, 79-1514, 79-1514.05, 79-1522, and 81-2031, Reissue Revised Statutes of Nebraska, section 24-706, Revised Statutes Supplement, 1994, and section 79-1501.01, Revised Statutes Supplement, 1995; to change provisions relating to repayment of contributions and purchase of service credit; to redefine terms; to provide powers and duties; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 293CA. Introduced by Brown, 6; Bernard-Stevens, 42; Brashear, 4; Bromm, 23; Engel, 17; Hilgert, 7; Hillman, 48; Jensen, 20; Klein, 19; Robinson, 16; Schmitt, 41; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 5, Article IX, sections 2 and 3, and Article XVII, section 4, and to add a new section 25 to Article XV:

VIII-5 "(1) County authorities shall never assess taxes the aggregate of which shall exceed fifty cents per one hundred dollars of taxable value as determined by the assessment rolls, except for the payment of indebtedness existing at the adoption hereof, unless authorized by a vote of the people of the county.

(2) A consolidated home rule charter government may assess taxes up to the aggregate of all combined limits of all political subdivisions consolidated into the government. A consolidated government shall never assess taxes the aggregate of which exceeds the combined limits of all political subdivisions which are consolidated into the consolidated government unless authorized by a vote of the people of the consolidated government."

IX-2 "Except as provided in Article XV, section 25, of this Constitution, no ~~No~~ county shall be divided nor any part of the territory of any county be stricken therefrom ; nor shall any county or part of the territory of any county be added to an adjoining county without submitting the question to the qualified electors of each county affected thereby, nor unless approved by a majority of the qualified electors of each county voting thereon; provided, that when county

boundaries divide sections, or overlap, or fail to meet, or are in doubt, the Legislature may by law provide for their adjustment, but in all cases the new boundary shall follow the nearest section line or the thread of the main channel of a boundary stream."

IX-3 "When a county ~~shall be~~ is added to another, all prior indebtedness of each county shall remain a charge on the taxable property within the territory of each county as it existed prior to consolidation. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for its proportion of all then existing liabilities of the county from which it is taken, but shall not be holden for any then existing liabilities of the county to which it is attached. This section shall not apply to consolidation under Article XV, section 25, of this Constitution."

XV-25 "(1) The county board may propose the consolidation of the county and any number of political subdivisions within or adjoining the county. The governing body of a political subdivision other than a county may propose the consolidation of the political subdivision and an adjoining county or the county in which it is located. The registered voters of a political subdivision may propose the consolidation of a county and any number of political subdivisions within or adjoining the county by filing signed petitions with the county board. If only one county is involved, the petitions shall contain signatures numbering at least five percent of the registered voters voting at the next preceding gubernatorial election in the county. If a county and an adjoining county or political subdivision are involved, the petitions shall contain signatures numbering at least five percent of the registered voters voting at the next preceding gubernatorial election in the county and at least five percent of the registered voters voting at the next preceding gubernatorial election in the adjoining county or political subdivision, as applicable. The county board shall submit the question of consolidation, if proposed by a governing body or by petition of the registered voters, to the registered voters of the county and adjoining political subdivision if applicable at a primary or general election or at a special election called for that purpose by the county board. If a majority of those voting on the issue vote in favor of consolidation, a consolidated home rule charter government may be formed by holding a charter convention.

(2) The charter convention shall be convened by its members who shall be appointed as provided in this subsection. If the consolidation involves a county which contains a city of the metropolitan, primary, or first class and at least one of such cities, the county board shall appoint eight members, the mayor of the most populous city involved in the consolidation shall appoint eight members with the approval of the governing body of the city, and the highest elected officials of each of the other political subdivisions involved in the consolidation shall by agreement appoint four members with the approval of the governing body of the political subdivisions. In all other cases, the highest elected officials of each of the political subdivisions involved in the consolidation shall by agreement appoint twenty members with the

approval of the governing body of the political subdivisions. The members must be registered voters who have resided in the applicable political subdivision for at least five years. The members of the convention shall elect a chairperson from among themselves and shall adopt rules of procedure to govern the convention.

(3) The county board shall submit the proposed charter to the registered voters of the county and adjoining political subdivision if applicable at a primary or general election or at a special election called for that purpose by the county board. If a majority of those voting on the issue vote in favor of the charter, the consolidated home rule charter government shall convene and the governing bodies of the county and other political subdivision shall be dissolved on the date and in the manner provided by the charter. The charter may be changed or amended after adoption in the same manner as provided in Article XI, section 4, of this Constitution for city charters.

(4) The consolidated home rule charter government shall have all functions, obligations, duties, rights, powers, and privileges exercised by, held by, or granted to the county and other consolidated political subdivisions prior to consolidation. The general obligation bonds and indebtedness of the county and the applicable political subdivisions existing at the time of consolidation shall remain a charge on the taxable property solely of the territory comprising the county or applicable political subdivision as it existed prior to consolidation unless otherwise specified in the charter. Any reference to a county, city, village, township, or other political subdivision in this Constitution or the laws of Nebraska shall be construed to include a consolidated home rule charter government when the consolidated government was formed from the specific political subdivision referred to unless otherwise specifically provided. If the operation of the consolidated home rule charter government is inconsistent with other provisions of this Constitution or the laws of Nebraska, the provisions of this section and the charters adopted under this section shall apply."

XVII-4 "The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, township, consolidated home rule charter government, and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities, villages, and towns, shall be elected at a the general election ~~to be held as aforesaid~~ of this state. An incumbent of any office shall hold over until his or her successor is duly elected and qualified.".

Sec. 2. 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 the consolidation of a county and other political subdivisions to form a consolidated home rule charter government.

For

Against".

Referred to the Reference Committee.

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule Change #6
Sec. 17 line (a)
change "ten" to "five"

GENERAL FILE

LEGISLATIVE BILL 584. The first pending Standing Committee amendment FA234, found in the Journal on page 2323, First Session, 1995, was renewed.

Mr. Coordsen offered the following amendment to the first Standing Committee amendment:
FA386
Amend AM1189 (1st Division)
on Page 1, Line 7: Strike new language, reinstate stricken language
on Page 1, Line 8: Reinstate stricken language.
on Page 2, Line 1: Strike new language, reinstate stricken language
on Page 2, Line 2: Reinstate stricken language,
on Page 2, Line 9: Strike "Born on or after January 1, 1977"
insert "under the age of sixteen"
on Page 3 Line 8: Strike "Born on or"
Page 3 Line 9: Strike "After January 1, 1977"
:Insert "under the age of sixteen years"

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

The Coordsen amendment lost with 2 ayes, 15 nays, 23 present and not voting, and 9 excused and not voting.

The first Standing Committee amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The second Standing Committee amendment is as follows:
FA235
Sec. 3. Section 37-201, Reissue Revised Statutes of Nebraska, is amended to read:
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~~ Any person who owns or operates farm or ranch land and who actually resides on a portion of such farm or ranch land, together with members of his or her immediate family also residing on such land, may hunt, take, and possess, within duly established season bag and possession limits, upland game and all game except migratory waterfowl, shore birds, elk, 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~~ owned or operated by such person and shall not apply when hunting on the lands of other persons. The commission may by rule and regulation require a person hunting without a permit claiming to come under this exemption ~~farmer or rancher hunting under the provisions of this section~~ to sign a statement presented by a conservation officer which states facts which verify that the person comes within this exemption. ~~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, 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. 4. Section 37-213, Reissue Revised Statutes of Nebraska, is amended to read:

37-213. (1) Unless holding a permit as required in the Game Law, it shall be unlawful:

(a) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to engage in fur

harvesting or possess any fur-bearing animal or raw fur, except that a person may possess a fur-bearing animal or raw fur for up to ten days after expiration of a valid permit;

(b) For any resident of Nebraska who is sixteen years of age or older or any nonresident of Nebraska to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds, game animals, or crows;

(c) For any person who is sixteen years of age or older to hunt or take or attempt to hunt or take any migratory waterfowl without first obtaining and affixing to his or her hunting permit a federal migratory bird hunting stamp. All such stamps affixed to hunting permits shall be signed by the holder of the hunting permit. Migratory waterfowl shall mean any ducks, geese, coots, or brant upon which an open season has been established by the commission; or

(d) For any person who is sixteen years of age or older to take, angle for, or attempt to take any kind of fish, bullfrog, snapping turtle, tiger salamander, mussel, or minnow from the waters of this state or possess the same, except that (i) the owner or invitee of the owner of any body of water which is located entirely upon privately owned land, which is entirely privately stocked, which does not connect by inflow or outflow with other water outside such land, and which is not operated on a commercial basis for profit and (ii) 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 shall not be required to hold a permit before fishing from or possessing fish or minnows taken from such waters.

(2) No fishing permit shall be required for fishing in any duly licensed commercial put-and-take fishery operating under rules and regulations adopted and promulgated by the commission. The annual fee for licensing such commercial put-and-take fishery shall be not less than fifty dollars and not more than sixty-five dollars per year, as established by the commission pursuant to section 81-814.02, payable in advance, and no person shall operate such an establishment without first obtaining such permit from the commission. Before issuing such permit the commission shall investigate each such establishment annually and be satisfied that the same is a bona fide commercial put-and-take fishery operating within all applicable state and federal laws.

(3) It shall be unlawful for a nonresident to hunt for, kill, shoot at, pursue, take, or possess any kind of game birds or game animals, mussel, turtle, or amphibian, to angle for or take or attempt to angle for or take any kind of fish, or to harvest fur or attempt to harvest fur while in the possession of a resident permit illegally obtained.

(4) It shall be unlawful for anyone to do or attempt to do any other thing for which a permit is required by the Game Law without first obtaining such permit and paying the fee required.

(5) During any season which permits the taking of deer with rifles using center-fire cartridges, wild animals other than deer may be hunted only with a shotgun, .22 rimfire rifle, or .22 rimfire handgun, except that this provision shall not apply to a holder of a valid deer permit or a limited deer permit under section 37-215.03. ~~bona fide farmer or rancher who owns, leases, or resides upon farm or ranch land or a member of the immediate family of such farmer or rancher, while hunting on such farm or ranch land.~~

(6) Except as provided in sections 37-204 and 37-209, it shall be unlawful for any nonresident to trap or attempt to trap or to harvest fur or attempt to harvest fur from any wild mammal.

(7)(a) Any person violating this section shall be guilty of a Class II misdemeanor and shall be fined at least forty dollars.

(b) If the offense is failure to hold a hunting, fishing, fur-harvesting, deer, turkey, or antelope permit as required, unless issuance of the required permit is restricted so that permits are not available, the court shall require the offender to purchase the required permit and exhibit the permit to the court.

Sec. 5. Section 37-215, Revised Statutes Supplement, 1994, is amended to read:

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 37-215.04 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. 6. Section 37-215.03, Reissue Revised Statutes of Nebraska, is amended to read:

37-215.03. (1) ~~Except as provided in subsection (7) of this section, (a) a bona fide farmer or rancher~~ A Nebraska resident who owns or leases one hundred sixty acres or more of farm or ranch land ~~and actually resides on such land or is the owner-operator of such land~~ for agricultural purposes or ~~(b)~~ a member of ~~the~~ such person's immediate family ~~of such farmer or rancher also~~ residing ~~on such land or~~ in the same household ~~as the owner-operator may make application~~ may apply for a limited ~~permit to kill~~ deer, antelope, ~~elk, or~~ wild turkey, or elk permit. The limited permit is valid during the predetermined period established by the commission pursuant to section 37-215 or 37-227. To qualify for a limited elk permit the farm or ranch land of the applicant must be within an area designated as an elk zone by the commission in its

regulations. Only one limited permit for each species shall be issued annually for the farm or ranch land described in the application, except both a spring and a fall turkey permit may be issued. Upon receipt of an application in proper form as prescribed by the commission, the commission may issue a limited permit which shall ~~be restricted to the killing of~~ restrict (a) the limited deer, antelope, ~~elk,~~ or wild turkey ~~only on~~ permit to hunting only on the farm or ranch lands included in the application and shall not apply to the land of other persons and (b) the limited elk permit to hunting on the entire elk zone of which the farm or ranch lands included in the application is a part. For purposes of this section, immediate family shall mean and be limited to husband and wife and their children. The ~~, and all the~~ conditions applicable to permits issued pursuant to section 37-215 or 37-227, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may adopt regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for this permit than for other hunting permits. ~~Only one such permit for each species shall be issued annually for each farm or ranch.~~

(2) Except as provided in subsection (3) of this section, receipt of a limited permit or a permit issued pursuant to section 37-215 or 37-227 for any one-year or open season shall not bar receipt of a limited permit in any subsequent year or for any subsequent open season.

(3) A limited elk permit ~~to kill elk~~ issued pursuant to this section shall not be issued to any applicant more than once every ~~five~~ three years.

(4) ~~For purposes of this section, bona fide farmer or rancher shall mean any person who materially participates in the business of farming or ranching and farming or ranching shall mean the cultivation of the soil or the harvesting of any agricultural or horticultural commodity, including, but not limited to, raising, shearing, feeding, or caring for livestock animals, for the production of income. In the case of an owner or tenant of land who makes an arrangement with another person or persons with respect to the farming or ranching of land which is owned or leased by the owner or tenant, material participation shall mean that the owner or tenant (a) furnishes a substantial portion of the machinery, implements, and livestock used in the production of the commodities or (b) assumes financial responsibility for a substantial part of the expense involved in the production of the commodities.~~

~~(5)~~ The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk. The fee for a limited permit to hunt deer, antelope, or wild turkey shall be one-half the fee for the regular permit for these species. ~~shall be not less than fifty dollars and not more than sixty-five dollars, for a limited permit to hunt deer or antelope shall be not~~

~~less than ten dollars and not more than fifteen dollars, and for a limited permit to hunt wild turkey shall be not less than seven dollars and fifty cents and not more than ten dollars, as established by the commission pursuant to section 81-814.02.~~

~~(6)~~ (5) The commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited permit as prescribed in this section to determine whether the applicant is ~~a bona fide farmer or rancher~~ a Nebraska resident and is the owner or lessee of the described property or is a member of the family or household of such person. ~~The applicant shall be a bona fide farmer or rancher with respect to each tract or parcel of land upon which the applicant proposes to harvest deer, antelope, elk, or wild turkey.~~

~~(7) No limited permit shall be issued under this section to a nonresident.~~

Sec. 7. Section 37-215.08, Reissue Revised Statutes of Nebraska, is amended to read:

37-215.08. The issuance of limited antelope ~~hunting~~ permits pursuant to section 37-215.03 in any management unit shall not exceed twenty percent of the regular permits authorized for such antelope management unit. The issuance of limited elk ~~hunting~~ permits pursuant to section 37-215.03 in any management unit shall not exceed ~~thirty~~ fifty percent of the regular permits authorized for such elk management unit.

Mr. Wehrbein offered the following amendment to the second Standing Committee amendment:
FA387
On page 12, line 19, strike "one hundred sixty" and insert "eighty".

Messrs. Chambers, Engel, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Beutler requested a roll call vote on the Wehrbein amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Bohlke	Hillman	Klein	Robak	Stuhr
Brashear	Hudkins	Kristensen	Robinson	Vrtiska
Crosby	Janssen	Matzke	Schellpeper	Wehrbein
Dierks	Jensen	McKenzie	Schmitt	Wickersham
Hilgert	Jones	Pirsch	Schrock	Witek

Voting in the negative, 12:

Avery	Beutler	Landis	Pedersen	Schimek
Bernard-Stevens	Bromm	Lindsay	Preister	Warner
	Fisher	Lynch		

Present and not voting, 6:

Brown	Maurstad	Wesely	Will	Withem
Elmer				

Excused and not voting, 6:

Abboud	Coordsen	Cudaback	Engel	Hartnett
Chambers				

The Wehrbein amendment was adopted with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The second Standing Committee amendment, as amended, was adopted with 31 ayes, 1 nay, 7 present and not voting, and 10 excused and not voting.

Messrs. Landis, Withem, Kristensen, Mmes. McKenzie, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The third Standing Committee amendment is as follows:
FA236

Sec. 8. Section 37-1501, Reissue Revised Statutes of Nebraska, is amended to read:

37-1501. Sections 37-1501 to ~~37-1509~~ 37-1508 shall be known and may be cited as the Trail Development Assistance Act.

Sec. 9. A state agency or political subdivision which owns or operates a recreational trail may establish and collect a user fee or a voluntary fee for the use of the trail as determined by the state agency or political subdivision. The fees shall be accounted for separately and shall be used for trail maintenance, operation, and acquisition.

Sec. 10. (1) The position of State Recreational Trails Coordinator is established. The coordinator shall be appointed by the Game and Parks Commission. Necessary office space, furniture, equipment, and supplies as well as necessary professional, technical, and clerical assistance shall be provided by the commission.

(2) The duties of the State Recreational Trails Coordinator shall include, but not be limited to:

(a) Maintaining and updating the Nebraska Comprehensive

Trails Plan. For purposes of this section, Nebraska Comprehensive Trails Plan means the document dated July 1994 and entitled A Network of Discovery: A Comprehensive Trails Plan for the State of Nebraska;

(b) Marketing and promoting trails across the state;

(c) Maintaining and updating an inventory of trails programs in Nebraska;

(d) Providing a central point for exchanging information among communities with trails programs;

(e) Providing organizational and technical assistance to communities and regional groups;

(f) Managing the state trails application and evaluation process;

(g) Coordinating state government's trails development efforts and administering the state trails program;

(h) Preparing and publishing an annual report on trails development in the state;

(i) Monitoring and filing paperwork on rail abandonments when necessary, consistent with rail-watch corridors established by the Nebraska Comprehensive Trails Plan or its updates; and

(j) Managing other right-of-way acquisition efforts when state involvement becomes necessary.

Sec. 23. The following section is outright repealed: Section 37-1509, Reissue Revised Statutes of Nebraska.".

Mr. Beutler offered the following amendment to the third Standing Committee amendment:
AM2718

(Amendments to FA236)

1. Strike sections 9 and 10.

2. Renumber the remaining sections and correct internal references accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Hudkins requested a ruling of the Chair on whether the third Standing Committee amendment is germane to the bill based on constitutional provision, Article 3, Section 14.

The Chair ruled the third Standing Committee amendment is germane to the bill.

Mrs. Hudkins challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 8 ayes, 9 nays, 23 present and not voting, and 9 excused and not voting.

The Chair was sustained.

Mr. Beutler moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Beutler requested a roll call vote on the third Standing Committee amendment, as amended.

Voting in the affirmative, 20:

Avery	Brashear	Hilgert	Lindsay	Schimek
Bernard-Stevens	Brown	Hillman	Lynch	Warner
Beutler	Crosby	Jensen	Matzke	Wesely
Bohlke	Fisher	Landis	Preister	Will

Voting in the negative, 17:

Bromm	Hudkins	Robinson	Schrock	Wehrbein
Dierks	Jones	Schellpeper	Stuhr	Wickersham
Elmer	Klein	Schmitt	Vrtiska	Witek
Engel	Pedersen			

Present and not voting, 3:

Janssen	Maurstad	Pirsch

Excused and not voting, 9:

Abboud	Coordsen	Hartnett	McKenzie	Withem
Chambers	Cudaback	Kristensen	Robak	

The third Standing Committee amendment, as amended, lost with 20 ayes, 17 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

The fourth Standing Committee amendment is as follows:
FA237

Sec. 11. The Legislature finds that:

(1) Nebraska streams and rivers and their immediate environments possess remarkable natural resource values;

(2) The recognition and acknowledgment of economic production values inherent in Nebraska streams and rivers needs to be complemented by a policy which recognizes and acknowledges the noneconomic production values possessed by Nebraska streams and rivers;

(3) Many Nebraska streams and rivers exist in pristine condition due to the excellent stewardship practiced by Nebraskans;

(4) This tradition of good stewardship should be maintained; and

(5) The benefits which streams and rivers provide to Nebraskans should be assessed for the purpose of planning and implementing responsible river management.

Sec. 12. (1) There is hereby created the Task Force on River Assessment. The task force shall consist of twelve members appointed by the Governor, with the approval of a majority of the Legislature. One member shall be appointed from each congressional district to represent the public at large. One member shall be appointed to represent each of the areas of production agriculture, ranching, education, environmental protection, nonmotorized recreation, municipalities, county government, natural resources districts, and the business community. No more than four members of the task force shall reside in the same congressional district. The Governor shall appoint the members of the task force within ninety days after the effective date of this act. If a vacancy occurs in the membership of the task force, the Governor shall appoint a replacement who shall represent the same area of interest as his or her predecessor within ninety days of the date of the vacancy.

(2) The task force shall designate two of its members as cochairpersons. The members of the task force shall elect a vice-chairperson and such other officers as may be necessary. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The Director of Environmental Quality, the Director of Natural Resources, the Director of Water Resources, the secretary of the Game and Parks Commission, and the Director of Economic Development shall appoint agency representatives to serve as technical advisors to the task force.

(4) The task force may hire staff and seek federal, state, or private grants or other funding sources to carry out the purposes of the task force.

(5) There is hereby created the River Assessment Cash Fund which shall be used to carry out the purposes of the task force. Money in the fund shall include funds received under subsection (4) of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(6) The Nebraska Natural Resources Commission shall serve as the host agency for the task force and shall provide limited administrative support to the task force.

Sec. 13. The Task Force on River Assessment may:

(1) Identify resource values for Nebraska streams and rivers or segments of Nebraska streams and rivers, including, but not limited to, biological values such as preservation of wildlife habitat and clean water, especially for threatened and endangered species, recreational values such as hunting, fishing, hiking, camping, canoeing, horseback riding, and boating, and aesthetic,

historic, archeological, cultural, and other similar resource values which the streams, rivers, or segments may have for Nebraska;

(2) Adopt a method of rating each stream and river or segment of each stream and river with respect to each resource value identified by the task force;

(3) Review information on streams and rivers currently available from the Department of Environmental Quality, the Nebraska Natural Resources Commission, the Department of Water Resources, the Game and Parks Commission, the Department of Economic Development, other state agencies, and federal agencies as may be necessary;

(4) Conduct public meetings to hear testimony and gather information to carry out the purposes of the task force. The task force shall conduct public meetings in communities associated with the streams and rivers or segments of streams and rivers being assessed and may conduct other meetings as the task force deems necessary;

(5) Adopt and use the stream classification system for water quality adopted by the Department of Environmental Quality under the Environmental Protection Act and the federal Clean Water Act to carry out its duties pursuant to this section and section 4 of this act; and

(6) Develop and implement the criteria to be maintained by the task force for the assessment of streams and rivers for planning and management purposes.

Sec. 14. The Task Force on River Assessment shall, by September 30, 1997, present a report to the Governor and the Legislature on the activities and findings of the task force. The report shall contain:

(1) The findings and recommendations of the task force with regard to resource value ratings of the streams and rivers or segments of streams and rivers assessed by the task force; and

(2) The findings and recommendations of the task force with regard to river management practices which in the opinion of the members are necessary or desirable to best promote and maintain responsible stewardship of Nebraska streams and rivers.

Sec. 19. Sections 11 to 14 of this act shall terminate on September 30, 1997.

Messrs. Janssen, Vrtiska, Wehrbein, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The fourth Standing Committee amendment lost with 0 ayes, 18 nays, 18 present and not voting, and 13 excused and not voting.

The fifth Standing Committee amendment is as follows:
FA238

Sec. 15. (1) Pursuant to the National Trails System Act,

and with the consent of the Governor pursuant to section 81-805, the Game and Parks Commission may acquire by gift, devise, or purchase all or any part of a railroad right-of-way in the state proposed to be abandoned for interim trail use. The commission, pursuant to the National Trails System Act, shall hold the right-of-way for one or more of the following uses:

(a) To provide a state recreational trail open to the public;

(b) To preserve wildlife habitat;

(c) To provide a conservation, communications, utilities, and transportation corridor; and

(d) Other uses approved by the commission.

(2) The right-of-way may be acquired only if the State of Nebraska is reasonably protected in a manner satisfactory to the commission for the costs of remedial action and environmental cleanup for conditions arising prior to conveyance to the state and the title is free and clear of all liens and encumbrances.

(3) The commission may use funds available by gift, appropriation, the Trail Development Assistance Fund, and other appropriate cash funds for uses consistent with those stated in this section and sections 37-1503 and 81-805.

(4) As long as the integrity of the right-of-way as an interim recreational trail and future rail use is not disturbed, the commission may lease and grant easement rights on the right-of-way. Any lease or use allowed shall be subject to all prescriptions of the National Trails System Act. All revenue collected from such leases shall be remitted to the State Treasurer for credit to the Trail Development Assistance Fund pursuant to sections 37-1503 and 37-1504.

(5) The commission shall continue to allow all railroad crossings over the right-of-way at the time of acquisition on substantially the same terms and conditions as they existed prior to acquisition.

(6) The acquisition of the right-of-way shall be subject to the restoration of rail service. If a proposal for the operation of a railroad is approved by the Nebraska Railway Council and the Interstate Commerce Commission, the right-of-way shall be sold for the market value of the land and improvements and conditioned upon: (a) The operation of a railroad along the right-of-way; (b) the grant of an easement to the commission for recreational trail use adjacent to the railroad, if such use is feasible; and (c) the return of the right-of-way to the commission if rail service is discontinued.

(7) All rights-of-way acquired by the commission pursuant to this section shall be governed by sections 81-815.60, 81-815.62, and 81-815.63. The commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117.

Sec. 16. Section 81-805, Reissue Revised Statutes of

Nebraska, is amended to read:

81-805. Except as otherwise provided in this section, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for such purposes, may be used by the commission in administering and developing such resources.

The commission shall adopt and carry into effect plans to replenish and stock the state with game and, whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish and cause the plans to be executed after ascertaining the cost thereof.

With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise acquire title in the name of the State of Nebraska to sites situated outside organized municipalities, except as provided in section 90-404, for additional state parks, hatcheries, recreation grounds, recreational trails, game farms, game refuges, and public shooting grounds and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available. For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, may take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section and shall have such funds or the proceeds of such property invested. Such invested funds shall be ~~known as the State Park and Game Refuge Fund, which fund is hereby created, and shall be~~ deposited, used, and expended under the direction of the commission. ~~Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.~~

The commission may make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section and may locate and designate any or all of such lands or areas, or parts thereof and take such action as may tend to preserve or conserve them. The commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission may adopt and promulgate rules and regulations, under the procedures set forth in the Administrative

Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control, and the commission shall adopt and promulgate rules and regulations it deems necessary to administer the following activities and facilities:

(1) The commission may adopt and promulgate rules and regulations to designate camping areas and permit camping on appropriate lands under its ownership or control. ~~and to permit camping thereon.~~ As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas, including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees when appropriate, protection of property, and zoning of activities. Such rules and regulations shall be posted on appropriate signs at the areas. Any person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations authorized by this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt and promulgate rules and regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and conditions under which a fire may be established on any area under its ownership or control. The commission may enact rules and regulations permitting the possession or use of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt and promulgate rules and regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare or for the preservation of property. Any person who lights any type of fire, uses any fireworks, smokes tobacco in any form, or leaves unattended and unextinguished any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission has given permission, which permission has not been revoked, to such type of fire, to such use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt and promulgate rules and regulations permitting pets, domestic animals, and poultry to be brought upon or possessed, grazed, maintained, or run at large on any area or portion of any area under its ownership or control.

Any person who brings, possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area or portion of any area under the ownership or control of the commission, unless the commission has permitted such bringing, possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission may ~~enact~~ adopt and promulgate rules and regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission may enact special rules and regulations permitting trapping and other forms of fur harvesting on any such area or areas. Any person who, without the permission of the commission, hunts, fishes, traps, harvests fur, or uses firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission may ~~enact~~ adopt and promulgate rules and regulations permitting swimming, bathing, boating, wading, waterskiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, waterskiing, wading, the use of floatation devices, and all other water-related recreational activities in all areas or any portion of any specific area under the ownership or control of the commission and may provide for special general conditions for specific swimming, waterskiing, boating, bathing, or wading areas, which regulations and conditions shall be posted at such areas. Any person who swims, bathes, boats, wades, waterskis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission has given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may ~~enact~~ adopt and promulgate rules and regulations relating to the protection, use, or removal of any public real or personal property on any area under its ownership or control and may regulate or prohibit the construction or installation of any privately owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. Any person who, without the permission of the commission, constructs or installs any privately owned structure or who uses or removes any public real or personal property, on any

area under the ownership or control of the commission, or who enters or remains upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who abandons any motor vehicle, trailer, or other conveyance in any area under the ownership or control of the commission shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission may ~~enact~~ adopt and promulgate rules and regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control. Any person who sells, trades, or vends any goods, products, or commodities of any type in any area under the ownership or control of the commission without having received the prior permission of the commission for such activity shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section; and

(9) When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission. The resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such resolution may further provide for the revocation of such permission by the secretary of the commission or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such regulations deemed necessary as authorized by sections 60-680 and 60-6,190. Any law enforcement official, including any conservation officer or deputy conservation officer, may enforce the provisions of this section and the rules and regulations established under the authority of sections 60-680 and 60-6,190. When a violation has occurred in or on any area under the ownership or control of the commission, any conservation officer or deputy conservation officer may arrest and detain any person committing such violation or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 60-680 and 60-6,190 shall be guilty of a Class V misdemeanor.

The commission may issue, regardless of any other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for

therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved.

The commission may further enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission may grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 17. Section 81-815.60, Reissue Revised Statutes of Nebraska, is amended to read:

81-815.60. If any portions of the right-of-way accepted under section 81-815.59 or section 15 of this act are not immediately developed as a recreational trail or for habitat, the Game and Parks Commission shall use its best efforts to lease undeveloped portions of the right-of-way, with first priority to adjacent landowners, for the purposes stated in such section or for other purposes which are not inconsistent with the purposes of sections 81-815.58 to 81-815.63 or section 15 of this act until such time as a recreational trail or habitat may be developed. Any lease or use allowed shall be subject to all prescriptions of the National Trails System Act.

Sec. 18. Section 81-2801, Reissue Revised Statutes of Nebraska, is amended to read:

81-2801. No agency of this state shall purchase, lease, or acquire real estate from any railroad over a right-of-way outside of incorporated cities and villages which has been permitted to be abandoned by a federal agency without prior approval by the Legislature of such purchase, lease, or acquisition, except ~~that~~ (1) the Game and Parks Commission may acquire all or any part of a railroad right-of-way proposed to be abandoned for interim trail use pursuant to section 15 of this act and section 81-805 and (2) the Department of Roads may acquire such real estate solely for the purpose of highway construction or improvements when such right-of-way is adjacent to an existing state highway or when such right-of-way is needed to maintain existing improvements that have previously been located upon such right-of-way through agreements, easements, or leases. Real estate acquired by the department pursuant to this section which is in excess of that needed or is deemed no longer necessary shall be disposed of as provided for in section 39-1325.

Mr. Wickersham offered the following amendment to the fifth Standing Committee amendment:

FA388

(Amendments to Standing Committee amendments, AM1189)

2. On page 22, line 2, strike "railroad"; in line 3 strike "over" and insert "across" and after "right-of-way" insert "acquired"; in line 5 after "acquisition" insert "unless otherwise agreed between the commission and interested parties"; strike beginning with "All" in line 16 through the period in line 18; in line 18 strike "same" and insert "sole"; strike beginning with "as" in line 19 through "34-117" in line 20 and insert "for the construction of new fences appropriate for the use of adjoining lands on the date of acquisition or for the repair of existing fences. After the commission completes such construction or repair of fences, adjoining landowners shall have the sole responsibility for fence maintenance and repair".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Wickersham amendment was adopted with 25 ayes, 3 nays, 9 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The fifth Standing Committee amendment, as amended, 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 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 469. Standing Committee amendment, AM0510, found in the Journal on page 827 and considered on page 1660, First Session, 1995, was considered.

Mr. Hartnett withdrew his motion, found in the Journal on page 1662, First Session, 1995, to reconsider the Wickersham amendment, AM0943.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

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

LEGISLATIVE BILL 414. Title read. Considered.

Standing Committee amendment, AM0249, found in the Journal on page 676, was considered.

Mr. Wesely renewed the pending amendment, AM0639, found in the Journal on page 950, First Session, 1995, to the Standing Committee amendment.

The Wesely amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Messrs. Withem and Wesely offered the following amendment:
AM2750

1. Strike original section 17 and all amendments thereto and insert the following new sections:

"Sec. 15. Consultation shall mean a process whereby an advanced registered nurse practitioner seeks the advice or opinion of a physician or another health care practitioner.

Sec. 16. Referral shall mean a process whereby the advanced registered nurse practitioner directs the patient to a physician or other health care practitioner for management of a particular problem or aspect of the patient's care. Patients who require care beyond the scope of practice of an advanced registered nurse practitioner shall be referred to an appropriate health care practitioner.

Sec. 20. The Board of Advanced Registered Nurse Practitioners is established. The board shall consist of (1) five advanced registered nurse practitioners representing different advanced registered nurse practitioner specialties for which a license has been issued, (2) five physicians licensed under the Uniform Licensing Law to practice medicine in Nebraska, at least three of whom shall have a current collaborating relationship with an advanced registered nurse practitioner, (3) one consumer member, and (4) one licensed pharmacist.

The members of the board shall be appointed by the State Board of Health. Three advanced registered nurse practitioners and three physicians shall be appointed for initial terms of two years, and the remaining members shall be appointed for initial terms of four years. Thereafter members shall be appointed for terms of four years. At the expiration of the term of any member, the State Board of Health may consult with appropriate professional

organizations regarding candidates for appointment to the Board of Advanced Registered Nurse Practitioners. Upon expiration of terms, appointments or reappointments shall be made on or before December 1, of each year. Vacancies on the Board of Advanced Registered Nurse Practitioners shall be filled for the unexpired term by appointments made by the State Board of Health. No member shall serve more than two consecutive terms on the Board of Advanced Registered Nurse Practitioners.

The State Board of Health has power to remove from office any member of the Board of Advanced Registered Nurse Practitioners, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetence, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or certificate in the member's profession involved may be suspended or revoked, for a lack of licensure or certification in the member's profession, or for other sufficient cause.

Each member of the Board of Advanced Registered Nurse Practitioners shall receive a per diem of twenty-five dollars per day for each day the member is actually engaged in the discharge of his or her official duties and shall be reimbursed for travel, lodging, and other necessary expenses incurred as a member of the board pursuant to sections 81-1174 to 81-1176.

The Department of Health shall adopt and promulgate rules and regulations which define conflicts of interest for members of the Board of Advanced Registered Nurse Practitioners and which establish procedures in case such a conflict arises.

Sec. 21. The Board of Advanced Registered Nurse Practitioners shall:

(1) Establish standards for integrated practice agreements between advanced registered nurse practitioners and collaborating physicians;

(2) Monitor the scope of practice by advanced registered nurse practitioners and advise the Board of Nursing and the Board of Examiners in Medicine and Surgery in matters pertaining to the scope of practice of advanced registered nurse practitioners;

(3) Advise the Board of Nursing and the Board of Examiners in Medicine and Surgery in matters pertaining to education and licensure and continued competency of advanced registered nurse practitioners; and

(4) Advise the Board of Nursing and the Board of Examiners in Medicine and Surgery in matters pertaining to disciplinary actions.".

2. On page 10, lines 9 and 10, strike "16, 22, and 29" and insert "15, 16, 18, 20, 21, 26 through 28, and 35".

3. On page 13, strike beginning with "Cooperative" in line 18 through line 28 and all amendments thereto, show the old

matter as stricken, and insert "Integrated practice agreement shall mean a written agreement between an advanced registered nurse practitioner and a collaborating physician in which the advanced registered nurse practitioner and the collaborating physician provide for the delivery of health care through an integrated practice. The integrated practice agreement shall provide that the advanced registered nurse practitioner and the collaborating physician will practice collaboratively within the framework of their respective scopes of practice. Each provider shall be responsible for his or her individual decisions in managing the health care of patients. Integrated practice includes consultation, collaboration, and referral.

The advanced registered nurse practitioner and the collaborating physician shall have joint responsibility for patient care, based upon the scope of practice of each practitioner. The collaborating physician shall be responsible for supervision of the advanced registered nurse practitioner to ensure the quality of health care provided to patients.

For purposes of this section:

(1) Collaborating physician shall mean a physician or osteopathic physician licensed in Nebraska and practicing in the same geographic area and practice specialty or field of practice as the advanced registered nurse practitioner;

(2) Supervision shall mean the ready availability of the collaborating physician for consultation and direction of the activities of the advanced registered nurse practitioner within the advanced registered nurse practitioner's defined scope of practice.".

4. On page 28, line 15, strike "71-1721.06,"; and in line 20 before the last "and" insert ", 71-1721.06,".

5. In the Standing Committee amendments, AM0249, on page 1, line 23; and page 2, lines 12, 14, 15, and 18, strike "cooperative" and insert "integrated practice".

6. Renumber the remaining sections accordingly.

Mr. Warner asked unanimous consent to be excused. No objections. So ordered.

MR. COORDSEN PRESIDING

Messrs. Withem and Wesely offered the following amendment to their pending amendment:
AM2751

(Amendments to AM2750)

1. On page 4, line 24, strike "direction of" and insert "advice on".

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1120. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Maurstad, 30; Schrock, 38.

A BILL FOR AN ACT relating to the Tax Commissioner; to amend section 77-363, Reissue Revised Statutes of Nebraska; to change provisions relating to the salary of the Tax Commissioner; and to repeal the original section.

LEGISLATIVE BILL 1121. Introduced by Warner, 25.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-489, 66-719, 66-720, 66-729, 66-731, and 66-738, Revised Statutes Supplement, 1994, and sections 66-482, 66-697, 66-727, 66-740, and 66-1344, Revised Statutes Supplement, 1995; to redefine a term; to exempt certain fuel; to eliminate a seal requirement for dispensing devices; to prohibit certain acts; to change provisions relating to collection of data; to continue the existence of the motor fuel tax task force; to change provisions relating to an ethanol tax credit; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 66-714 and 66-715, Revised Statutes Supplement, 1995; and to declare an emergency.

LEGISLATIVE BILL 1122. Introduced by Warner, 25; Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202.01, Revised Statutes Supplement, 1995; to change a date for waiver of deadline for tax exempt status; and to repeal the original section.

LEGISLATIVE BILL 1123. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to grain; to amend sections 75-902, 75-903, 75-905, 88-525, 88-527, and 88-551, Reissue Revised Statutes of Nebraska; to change provisions relating to grain dealers and grain warehouses; to provide powers and duties; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Withem, 14; Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 50-128, 79-101.01, 79-451, 79-3815, 81-125, and 81-126, Reissue Revised Statutes of Nebraska, section 23-3616, Revised Statutes Supplement, 1994, and sections 13-508, 79-3803, 84-304, and 85-1517, Revised Statutes Supplement, 1995; to state intent; to establish a limitation on state General Fund appropriations and political subdivision anticipated receipts from property tax; to create a fund for tax relief purposes; to provide powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 79-3817, 79-3818, 79-3820, and 79-3821, Reissue Revised Statutes of Nebraska, sections 77-3438.01 and 77-3440, Revised Statutes Supplement, 1994, and sections 77-3437, 77-3438, 77-3438.02, 77-3439, 79-3814, 79-3816, and 79-3819, Revised Statutes Supplement, 1995; and to declare an emergency.

LEGISLATIVE BILL 1125. Introduced by Bromm, 23; Avery, 3; Brown, 6; Engel, 17; Jensen, 20; Maurstad, 30; Pedersen, 39.

A BILL FOR AN ACT relating to juvenile justice; to amend section 83-925.07, Revised Statutes Supplement, 1995; to change secure confinement facility location provisions; and to repeal the original section.

LEGISLATIVE BILL 1126. Introduced by Will, 8.

A BILL FOR AN ACT relating to newspapers; to amend section 48-115, Revised Statutes Supplement, 1994; to include newspaper carriers as employees for purposes of workers' compensation; and to repeal the original section.

LEGISLATIVE BILL 1127. Introduced by McKenzie, 34; Bohlke, 33; Bromm, 23; Brown, 6; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Hudkins, 21; Jones, 43; Klein, 19; Maurstad, 30; Robak, 22; Schellpeper, 18; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to instream appropriations; to amend sections 46-2,108 to 46-2,110, Reissue Revised Statutes of Nebraska; to change provisions relating to obtaining an instream appropriation; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 294CA. Introduced by Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

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 for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. 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 which propose the enactment of a law submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures which propose a constitutional amendment submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to subsection (2) of Article XVI, section 3, of this Constitution. 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-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law ~~or part of the Constitution, as the case may be,~~ when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, 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. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to subsection (2) of Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor

thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the Constitution to the electorate for ratification provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan 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 and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which purposes a constitutional amendment shall include a notice that the measure is subject to a vote for ratification."

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be 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. The ballot shall include a notice that the measure is subject to a vote for ratification. If a majority of the electors voting on any such amendment adopt the same, it shall ~~become a part of this Constitution~~ be referred to the electorate for ratification pursuant to subsection (2) of Article XVI, section 3, of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. 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."

XVI-3 "(1) Before an amendment to this Constitution takes effect there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be 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 amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of the Constitution, provided the votes cast in favor of such amendment at the election shall not be less than thirty-five percent of the total votes cast at such election.".

Sec. 2. 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 election procedures for constitutional amendments to require two separate votes by the electorate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 295CA. Introduced by Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 to 4:

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 for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. 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.~~ To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the

Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least six percent of the number of votes which were cast in the state for President at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least eight percent of the number of votes which were cast in the state for President at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least four percent of the number of votes cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

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 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-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least four percent of the number of votes which were cast in the state for President at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least four percent of the number of votes which were cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters equal in number to at least eight percent of the number of votes which were cast in the state for President at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

~~When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.~~"

III-4 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, 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 upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for ~~president~~ President. The method of submitting and adopting amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their

operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan 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 and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures.

For

Against".

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1002, 1007 through 1061, 1063 through 1078, legislative resolutions 287CA and 288CA, Governor appointments, and Secretary of State appointment.

LB	Committee
1002	Judiciary
1007	Urban Affairs
1008	Banking, Commerce and Insurance
1009	Judiciary
1010	Revenue
1011	Government, Military and Veterans Affairs
1012	Banking, Commerce and Insurance
1013	Business and Labor
1014	Education
1015	Education
1016	Education
1017	Urban Affairs
1018	Transportation
1019	Transportation
1020	Transportation
1021	Judiciary
1022	Health and Human Services
1023	Education
1024	Education
1025	Revenue
1026	Transportation

1027 Transportation
1028 Banking, Commerce and Insurance
1029 Education
1030 Education
1031 Government, Military and Veterans Affairs
1032 Revenue
1033 Banking, Commerce and Insurance
1034 Judiciary
1035 Transportation
1036 Banking, Commerce and Insurance
1037 Revenue
1038 Revenue
1039 Revenue
1040 Revenue
1041 Revenue
1042 Business and Labor
1043 Judiciary
1044 Health and Human Services
1045 General Affairs
1046 Judiciary
1047 Business and Labor
1048 Judiciary
1049 Health and Human Services
1050 Education
1051 Natural Resources
1052 Judiciary
1053 Banking, Commerce and Insurance
1054 Natural Resources
1055 Judiciary
1056 Judiciary
1057 General Affairs
1058 Revenue
1059 Health and Human Services
1060 Health and Human Services
1061 Appropriations
1063 Revenue
1064 Transportation
1065 Transportation
1066 Agriculture
1067 Natural Resources
1068 Revenue
1069 General Affairs
1070 General Affairs
1071 Banking, Commerce and Insurance
1072 Business and Labor
1073 Transportation
1074 Judiciary
1075 Nebraska Retirement Systems
1076 Nebraska Retirement Systems

1077 Nebraska Retirement Systems
1078 Health and Human Services

LR	Committee
287CA	Judiciary
288CA	Revenue

Ackles, Douglas - Nebraska Special Education Commission - Education

Anderson, James - Board of Public Roads Classifications and Standards - Transportation

Bauer, James - Board of Public Roads Classifications and Standards - Transportation

Bieganski, Gary - State Board of Health - Health and Human Services

Books, Ronald W. - State Highway Commission - Transportation

Buttress, Christena - Foster Care Review Board - Health and Human Services

Casmer, Esther L. - Nebraska Board of Parole - Judiciary

Coolidge, David - Board of Public Roads Classifications and Standards - Transportation

D'Amato, Elaine L. - Child Abuse Prevention Fund Board - Health and Human Services

Dvorak, Allen - State Board of Health - Health and Human Services

Eirich, Dale - Nebraska Dry Bean Commission - Agriculture

Feller, John D. - Board of Educational Lands and Funds - Education

Friehe, Ervain J. - Oil and Gas Conservation Commission - Natural Resources

Gilmore, Marquis Reed - Oil and Gas Conservation Commission - Natural Resources

Hansen, Debra J. - Nebraska Ethanol Board - Natural Resources

Harsh, Michael - Nebraska Arts Council - General Affairs

Hawes, Sheila - Nebraska Arts Council - General Affairs

Herrmann, Larry - Board of Public Roads Classifications and Standards - Transportation

Holzfaster, F. Jon - Nebraska Dry Bean Commission - Agriculture

Hughes, Dan J. - Nebraska Ethanol Board - Natural Resources

Ide, Bob - Foster Care Review Board - Health and Human Services

Ihle, Charles - State Board of Health - Health and Human Services

Jackson, Sharon - Board of Public Roads Classifications and Standards - Transportation

Johnson, Sam - State Electrical Board - General Affairs

Kloepping, Wilbur "Doc" - Board of Educational Lands and Funds - Education

Knortz, Karen - State Board of Health - Health and Human Services

Korell, Janet - Nebraska Arts Council - General Affairs

Kuehl, Patricia - State Board of Health - Health and Human Services

Lanphier, Patricia Q. - Child Abuse Prevention Fund Board - Health and Human Services

Miles, George A. - State Highway Commission - Transportation

Orth, Eldon - Board of Public Roads Classifications and Standards - Transportation

Pelzer, Mathew E. - Nebraska Advisory Commission on Compulsive Gambling - General Affairs

Petersen, DiAnn - Nebraska Investment Council - Nebraska Retirement Systems

Renteria, Steven M. - Foster Care Review Board - Health and Human Services

Rhoden, Rodney D. - Nebraska Motor Vehicle Industry Licensing Board - Transportation

Rismiller, Anne B. - Nebraska Arts Council - General Affairs

Sams, Thomas L. - Nebraska State Personnel Board - Government, Military and Veterans Affairs

Schoonover, Richard - Nebraska Special Education Commission - Education

Schweikart, Judith A. - State Highway Commission - Transportation

Scott, Vernon L. - Nebraska Advisory Commission on Compulsive Gambling - General Affairs

Seever, Samuel F. - State Personnel Board - Government, Military and Veterans Affairs

Sitzman, Larry - Nebraska Railway Council - Transportation

Spray, J. L. - Nebraska Accountability and Disclosure Commission - Government, Military and Veterans Affairs

Stutheit, Ted - State Electrical Board - General Affairs

Thieman, Henry - Board of Public Roads Classifications and Standards - Transportation

Waite, Robert G. - Nebraska Special Education Commission - Education

Weidner, Daniel G. - Nebraska Special Education Commission - Education

Williams, William M., Jr. - Nebraska Advisory Commission on Compulsive Gambling - General Affairs

Woods, Thomas C., III - Nebraska Arts Council - General Affairs

Wooden, Steven - State Board of Health - Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 911. No objections. So ordered.

ANNOUNCEMENT

Mrs. Bohlke designates LB 1050 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Transportation

Governor Appointments Tuesday, January 16, 1996 1:30 p.m.
Board of Public Roads Classifications and Standards
Eldon Orth
Larry Herrmann
David Coolidge
James Bauer
Henry Thieman
Sharon Jackson
James Anderson

Nebraska Railway Council
Larry Sitzman

State Highway Commission
George A. Miles
Judith A. Schweikart
Ronald W. Books

Nebraska Motor Vehicle Industry Licensing Board
Rodney D. Rhoden

LB 946	Tuesday, January 16, 1996	1:30 p.m.
LB 974	Tuesday, January 16, 1996	1:30 p.m.
LB 939	Tuesday, January 16, 1996	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Education

LB 900	Tuesday, January 16, 1996	1:30 p.m.
LB 1014	Tuesday, January 16, 1996	1:30 p.m.
LB 1015	Tuesday, January 16, 1996	1:30 p.m.
LB 1016	Tuesday, January 16, 1996	1:30 p.m.

A joint hearing of the Education Committee and the Nebraska Special Education Accountability Commission will be held at 2:00 p.m., January 23, 1996. This hearing is to fulfill the provisions of section 79-347 of the Nebraska Statutes.

Governor Appointments Tuesday, January 23, 1996 3:00 p.m.
Nebraska Special Education Accountability Commission
Richard Schoonover
Daniel G. Weidner
Robert G. Waite
Douglas Ackles

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Schellpeper asked unanimous consent to print the following amendment to LR 43CA in the Journal. No objections. So ordered.

AM2735

(Amendments to Standing Committee amendments, AM2406)

1. Strike original sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 '(1) There shall be a Gaming Commission consisting of five members, no more than three of whom shall be from any one political party, whose compensation shall be fixed by the Legislature. The commission shall have such powers and duties as the Legislature may direct, including the regulation of any new form of gaming activity authorized by the Legislature on or after November 1, 1996, but not including regulation of the state lottery. All other gaming regulated by the State of Nebraska or its political subdivisions on the effective date of this amendment shall continue to be regulated in the manner in which, and by the same entity as, they were regulated on the effective date of this amendment until January 1, 2001, and after such date, until otherwise directed by the Legislature. The initial terms of office shall be staggered, with two members appointed for initial six-year terms, two members appointed for initial four-year terms, and one member appointed for an initial two-year term. After the initial terms of office, all appointments shall be for six-year terms, except for appointments to complete unexpired terms. Members of the commission shall be appointed by the Governor from districts of substantially equal population established by the Legislature subject to the approval of a majority of the members of the Legislature. Members may be removed for cause. The commission shall have the authority to regulate gaming in a manner which maintains integrity and honesty, prevents illegal activity, maintains public confidence, and protects the interests of the people of the State of Nebraska.

(2) ~~Except as provided in this section, the~~ 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~~ may authorize games of chance, lotteries, or gift enterprises as provided in this section.

~~(2)~~ (3) The Legislature may authorize and regulate a state lottery pursuant to subsection ~~(3)~~ (4) 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)~~ (4) 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)~~ (5) The Legislature may authorize and regulate games of chance, the proceeds of which may be used only for property tax relief, for charitable or community betterment purposes, for civic benefit, for job creation and economic development, or for the promotion of agriculture. Such games of chance shall include, but not be limited to, casino gaming activities, player-activated electronic, video, or mechanical gaming devices, dice, card games of chance, and table games of chance.

(6) 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. 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 a Gaming Commission to regulate gaming activity as authorized by the Legislature and to permit the Legislature to authorize and regulate games of chance, including player-activated electronic, video, or mechanical gaming devices and use of the proceeds for property tax relief, charitable or community betterment purposes, civic benefit, job creation and economic development, or the promotion of agriculture.

For

Against'.".

MOTION - Withdraw LB 1107

Mr. Lindsay moved to withdraw LB 1107.

Laid over.

VISITORS

Visitors to the Chamber were Janet and Clayton Shelsta from Hayti, South Dakota; Adam Naber from Kearney; and Brandon J. Lavaley, Steve Arnold, Tim Beverdge, Marnell Rickett, and Mrs. Pattty O'Malley from Sutherland.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 4:57 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, January 9, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTH DAY - JANUARY 9, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 9, 1996

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. Schrock who was excused; and Messrs. Abboud, Brashear, Bromm, Cudaback, Dierks, Hartnett, Landis, Lindsay, Robinson, Warner, Mmes. Bohlke, McKenzie, and Stuhr who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 9, 1996.

The motion prevailed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1128. Introduced by Hilgert, 7; Engel, 17; Jones, 43; Lynch, 13.

A BILL FOR AN ACT relating to developmental disabilities; to state intent relating to salaries, service rates, and appropriations.

LEGISLATIVE BILL 1129. Introduced by Lindsay, 9; Hilgert, 7; Preister, 5; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to employment security; to amend section 48-624 and 48-669, Revised Statutes Supplement, 1994; to change the weekly benefit amount; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1130. Introduced by Lindsay, 9; Hilgert, 7; Preister, 5; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to employment security; to amend section 48-624 and 48-669, Revised Statutes Supplement, 1994; to change the weekly benefit amount; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1131. Introduced by Lindsay, 9; McKenzie, 34.

A BILL FOR AN ACT relating to natural gas transportation systems; to amend sections 19-4601, Revised Statutes Supplement, 1994; to provide for regulation as prescribed; and to repeal the original section.

MOTION - Adopt Rules

Mr. Will renewed the Rules Committee pending proposed rules change, found in the Journal on pages 264 and 265, to Rule 6, Section 3(h), Rule 6, Section 5(b), and Rule 6, Section 6.

Mr. Chambers renewed his pending amendment, found in the Journal on page 279, to the Rules Committee proposed rules change.

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 15 ayes, 1 nay, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bernard-Stevens	Hilgert	Klein	Preister	Wesely
Chambers	Hudkins	Pirsch	Robak	Witek
	Jensen			

Voting in the negative, 25:

Beutler	Engel	Kristensen	Maurstad	Warner
Bromm	Fisher	Landis	Pedersen	Wehrbein
Brown	Hillman	Lindsay	Robinson	Wickersham
Crosby	Janssen	Lynch	Schimek	Will
Elmer	Jones	Matzke	Vrtiska	Withem

Present and not voting, 5:

Coordsen	Dierks	Schellpeper	Schmitt	Stuhr

Excused and not voting, 8:

Abboud	Bohlke	Cudaback	McKenzie	Schrock
Avery	Brashear	Hartnett		

The Chambers amendment lost with 11 ayes, 25 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Rules Committee proposed rules change:

Amend Wickersham Amendment

After "indefinitely postponed", insert "by a committee"

PRESIDENT ROBAK PRESIDING

Mrs. Robak and Mr. Kristensen 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 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers	Hudkins	Schimek	Witek	Withem
Hilgert				

Voting in the negative, 30:

Bernard-Stevens	Crosby	Janssen	Lynch	Vrtiska
Beutler	Dierks	Jensen	Matzke	Warner
Bohlke	Elmer	Jones	Pedersen	Wehrbein
Bromm	Engel	Klein	Robinson	Wesely
Brown	Fisher	Landis	Schellpeper	Wickersham
Coordsen	Hillman	Lindsay	Stuhr	Will

Present and not voting, 4:

Maurstad	Pirsch	Preister	Schmitt

Excused and not voting, 9:

Abboud	Brashear	Hartnett	McKenzie	Schrock
Avery	Cudaback	Kristensen	Robak	

The Chambers amendment lost with 6 ayes, 30 nays, 4 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 offered the following amendment to the Rules Committee proposed rules change:
Amend Wickersham proposal
Strike third paragraph dealing with Select File.

Mr. Wehrbein and Mrs. Stuhr 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 roll call vote on his amendment.

Voting in the affirmative, 3:

Chambers	Hilgert	Witek

Voting in the negative, 26:

Beutler	Elmer	Jensen	Matzke	Vrtiska
Bromm	Engel	Jones	Maurstad	Warner
Brown	Fisher	Klein	Pedersen	Wehrbein
Coordsen	Hillman	Landis	Pirsch	Wickersham
Crosby	Janssen	Lindsay	Robinson	Will

Withem

Present and not voting, 8:

Avery	Dierks	Preister	Schimek	Schmitt
Bohlke	Hudkins	Schellpeper		

Excused and not voting, 12:

Abboud	Brashear	Kristensen	Robak	Stuhr
Bernard-Stevens	Cudaback	Lynch	Schrock	Wesely
	Hartnett	McKenzie		

The Chambers amendment lost with 3 ayes, 26 nays, 8 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The Rules Committee proposed rules change, as amended, was renewed.

Mr. Chambers requested a record vote on the Rules Committee proposed rules change to Rule 6, Section 3(h), Rule 6, Section 5(b), and Rule 6, Section 6.

Voting in the affirmative, 26:

Beutler	Elmer	Jones	Pedersen	Wehrbein
Bohlke	Engel	Klein	Schellpeper	Wesely
Bromm	Fisher	Landis	Schmitt	Wickersham
Brown	Hillman	Matzke	Vrtiska	Will
Crosby	Janssen	Maurstad	Warner	Withem
Dierks				

Voting in the negative, 9:

Avery	Hilgert	Jensen	Pirsch	Witek
Chambers	Hudkins	Lindsay	Preister	

Present and not voting, 3:

Coordsen	Robinson	Schimek

Excused and not voting, 11:

Abboud	Brashear	Kristensen	McKenzie	Schrock
Bernard-Stevens	Cudaback	Lynch	Robak	Stuhr
	Hartnett			

The Rules Committee proposed rules change, as amended, was adopted with 26 ayes, 9 nays, 3 present and not voting, and 11 excused and not voting.

Pending.

ANNOUNCEMENT

Mr. Wesely designates LB 1059 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 931	Tuesday, January 16, 1996	1:30 p.m.
LB 948	Tuesday, January 16, 1996	1:30 p.m.
LB 949	Tuesday, January 16, 1996	1:30 p.m.
LB 969	Tuesday, January 16, 1996	1:30 p.m.
LB 1036	Tuesday, January 16, 1996	1:30 p.m.

(Signed) David Landis, Chairperson

Agriculture

LB 966	Tuesday, January 16, 1996	1:30 p.m.
LB 965	Tuesday, January 16, 1996	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 LR 17CA in the Journal. No objections. So ordered.

AM2748

(Amendments to Standing Committee amendment, AM0265)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 ~~'Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ~~ninety~~ sixty-five legislative days ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected to the Legislature. ~~, and shall not exceed sixty legislative days in~~

~~even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. An organizational session shall be held commencing at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year. Bills may be introduced during the organizational session. The duration of the organizational session shall not exceed two days. The terms of the members of the Legislature shall commence on the first day of the organizational session, and notwithstanding Article III, section 7, of this Constitution, the preceding terms shall terminate on such date.

The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor.

No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.'.

Sec. 2. 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 the length of the regular legislative session to sixty-five days annually with no possible extension, to add a biennial organizational session of two days or less, and to change the date on which the terms of members of the Legislature commence and terminate.

For

Against'.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1132. Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health; to amend section 83-1019, Reissue Revised Statutes of Nebraska; to provide for admissions to the regional center as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1133. Introduced by Schimek, 27; Robinson, 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-603, 32-604, and 70-624.04, Revised Statutes Supplement, 1994; to prohibit candidates and officeholders from filing for or holding more than one office; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1134. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to minors in possession of alcohol; to amend sections 53-180.04, 53-180.05, 60-601, 60-6,211.01, 60-6,211.02, and 60-6,211.04, Reissue Revised Statutes of Nebraska; to change provisions relating to impoundment of operator's licenses as prescribed; to change penalty provisions; to change provisions relating to zero tolerance; to eliminate provisions relating to sealed records and employment licenses; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,211.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1135. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to sports; to amend sections 81-1254, 81-1255, and 81-1258, Reissue Revised Statutes of Nebraska; to create the Metropolitan Entertainment and Sports Authority; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1136. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-221, 25-21,203, 48-190, and 84-917, Reissue Revised Statutes of Nebraska, and section 77-5019, Revised Statutes Supplement, 1995; to change trial procedure for limitation of action issues; to change provisions relating to service of summons on the state and political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 1137. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1901, Reissue Revised Statutes of Nebraska; to change provisions relating to abandoned motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 1138. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Maurstad, 30; Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to amend section 79-2105, Reissue Revised Statutes of Nebraska; to provide for leasing of telecommunications facilities as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1139. Introduced by Robinson, 16; Janssen, 15; Lynch, 13; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-507, Reissue Revised Statutes of Nebraska; to extend the tuition credit program to independent colleges and universities; and to repeal the original sections.

LEGISLATIVE BILL 1140. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to education; to amend sections 79-101.02, 79-403, 79-426.11, 79-486, 79-489, 79-4,224, 79-516.08, and 79-3410, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to transportation; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal sections 79-485, 79-490, 79-491, and 79-492, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1141. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend section 83-925.05, Reissue Revised Statutes of Nebraska; to provide a duty; and to repeal the original section.

LEGISLATIVE BILL 1142. Introduced by Bernard-Stevens, 42.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 25-2911, Reissue Revised Statutes of Nebraska, and section 79-3301, Revised Statutes Supplement, 1995; to provide for mediation for disputes under the act; to provide reimbursement for certain litigation expenses; to provide duties for the State Board of Education; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1143. Introduced by Witek, 31; Avery, 3; Dierks, 40; Jensen, 20; Pirsch, 10.

A BILL FOR AN ACT relating to appropriations; to amend sections 90-511 and 90-512, Revised Statutes Supplement, 1995, Laws 1995, LB 392, sections 9 to 12, 14 to 22, 25, 26, 29, 31, 33, 35 to 38, 43, 45, 46, 48, 49, 52, 54, 55, 61, 64 to 69, 71, 77 to 80, 82, 83, 88, 90,

92, 97 to 101, 103 to 106, 109, 114 to 117, 119 to 122, 124, 129 to 133, 135 to 137, 140, 145 to 148, 150 to 157, 160 to 168, 170, 171, 179, 182 to 184, 186, 187, 189, 191 to 197, 200, 202, 205 to 215, 220 to 232, 234, 240, 242, and 245, and Laws 1995, LB 394, sections 6, 7, 8, 9, 17, and 18; to reduce General Fund appropriations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1144. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to labor organizations; to define terms; to require certain employees to pay for collective bargaining and contract enforcement as prescribed; and to provide powers and duties for labor organizations and employers.

MOTION - Adopt Rules

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on page 265, to Rule 1, Section 18.

Messrs. Klein, Janssen, Bernard-Stevens, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Chambers offered the following amendment to the Rules Committee proposed rules change:

Amend proposed Rule amendment #5:

Strike second sentence and insert:

The text of any amendment whose length is no more than ten pages shall be printed in the daily journal. All amendments of greater length than 10 pages shall be noted in the daily journal as on file in the bill room or the Clerk's office.

The Chambers amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Rules Committee proposed rules change to Rule 1, Section 18, as amended, was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Mr. Will renewed the Rules Committee proposed rules change, found in the Journal on page 266, to Rule 1, C. new section 17, Rule 3, Section 12(b), Rule 5, Section 5(h), Rule 6, Section 3(b), and Rule 7, Section 3(a).

Mr. Maurstad renewed his pending amendment, found in the Journal on page 300, to the Rules Committee proposed rules change.

Messrs. Pedersen, Klein, Bromm, Elmer, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Print in Journal

Mr. Chambers asked unanimous consent to print the following amendment to the Rules Committee proposed rules change in the Journal. No objections. So ordered.

Amend Change #6
Add subsection (d) to Sec. 17:
"Whatever Lola wants, Lola gets. Lola shall mean whoever is the Speaker."

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1145. Introduced by Withem, 14; Bernard-Stevens, 42; Beutler, 28; Crosby, 29; Hartnett, 45; Hilgert, 7; Hillman, 48; Landis, 46; Lindsay, 9; Lynch, 13; Maurstad, 30; Pedersen, 39; Pirsch, 10; Preister, 5; Schimek, 27; Wesely, 26; Will, 8.

A BILL FOR AN ACT relating to school finance; to amend sections 77-913, 79-101.01, 79-402.20, 79-420, 79-445, 79-451, 79-483, 79-486, 79-4,106.02, 79-4,106.05, 79-516.08, 79-1302, 79-1304, 79-3802, 79-3805, 79-3807, 79-3811, 79-3817, and 79-3822, Reissue Revised Statutes of Nebraska, and sections 79-3332, 79-3333, 79-3333.01, 79-3801, 79-3803, 79-3804, 79-3806, 79-3809, 79-3812, and 79-3813, Revised Statutes Supplement, 1995; to change provisions relating to state aid and special education payments; to change and eliminate provisions relating to contracting for educational services as provided; to provide for school bond state aid; to harmonize provisions; to provide severability; to provide operative dates; to repeal the original sections; to outright repeal sections 79-4,106.04, 79-603, 79-604, and 79-1303, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1146. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to insurance; to require notice when an insurer discontinues or substantially reduces a line or subline of insurance.

LEGISLATIVE BILL 1147. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1490, 49-1499.01, 49-14,103.02, and 49-14,103.07, Reissue Revised Statutes of Nebraska, section 49-14,103.01, Revised Statutes Supplement, 1994, and sections 49-1401 and 49-1499, Revised Statutes Supplement, 1995; to change and eliminate conflict of interest provisions; to provide and change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1148. Introduced by Avery, 3; Coordsen, 32; Crosby, 29; Jones, 43; Pirsch, 10; Schmitt, 41; Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Reissue Revised Statutes of Nebraska; to prohibit driving under the influence as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1149. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-3803, 79-3809, and 79-3813, Revised Statutes Supplement, 1995; to change provisions relating to state aid; and to repeal the original sections.

LEGISLATIVE BILL 1150. Introduced by Preister, 5; Chambers, 11; Hilgert, 7; Lindsay, 9; Will, 8.

A BILL FOR AN ACT relating to insurance; to amend section 44-5019, Reissue Revised Statutes of Nebraska; to change provisions relating to rating systems for automobile liability policies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1151. Introduced by Preister, 5; Jensen, 20; Robinson, 16.

A BILL FOR AN ACT relating to tobacco; to amend sections 29-1429.01 and 29-1429.02, Reissue Revised Statutes of Nebraska; to prohibit self-service merchandising methods to dispense tobacco products; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1152. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to schools; to amend section 79-4,228, Reissue Revised Statutes of Nebraska; to change sanctions relating to anabolic steroids; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Hartnett asked unanimous consent to print the following amendment to LB 469 in the Journal. No objections. So ordered.

AM2679

1. On page 5, after line 11 insert the following new subsection:

"(11) An organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act may hold meetings by means of videoconference in the same manner as provided in sections 84-1408 to 84-1414.".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 950. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 1007	Tuesday, January 16, 1996	1:30 p.m.
LB 979	Tuesday, January 16, 1996	1:30 p.m.
LB 980	Tuesday, January 16, 1996	1:30 p.m.
LB 962	Tuesday, January 16, 1996	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were Senator Pedersen's wife, Priscilla, daughter, Michaela, and granddaughter, Chalie.

RECESS

At 12:04 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 Mr. Schrock who was excused; and Messrs. Abboud, Beutler, Bromm, Chambers, Coordsen, Cudaback, Dierks, Fisher, Hartnett, Kristensen, Lynch, Matzke, Pedersen, Robinson, Warner, Mmes. Bohlke, McKenzie, Pirsch, and Robak who were excused until they arrive.

MR. WILL PRESIDING

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bills 972 and 1031, the referral of legislative bills 1062, 1079 through 1127, and legislative resolutions 292CA through 295CA.

LB	Committee
972	Banking, Commerce and Insurance
1031	Health and Human Services
1062	Government, Military and Veterans Affairs
1079	Health and Human Services
1080	Banking, Commerce and Insurance
1081	Health and Human Services
1082	Revenue
1083	Revenue
1084	Revenue
1085	Revenue
1086	Banking, Commerce and Insurance
1087	Revenue
1088	General Affairs
1089	Revenue
1090	General Affairs
1091	Education
1092	Urban Affairs
1093	Urban Affairs
1094	Government, Military and Veterans Affairs
1095	Government, Military and Veterans Affairs
1096	Revenue
1097	Judiciary
1098	Revenue
1099	Judiciary
1100	Judiciary
1101	Health and Human Services
1102	Education
1103	Transportation
1104	Transportation
1105	Health and Human Services
1106	Revenue
1107	Revenue
1108	Health and Human Services
1109	General Affairs
1110	Judiciary
1111	Government, Military and Veterans Affairs
1112	Education
1113	Health and Human Services
1114	Revenue
1115	Revenue
1116	Education

1117 Education
1118 Transportation
1119 Nebraska Retirement Systems
1120 Appropriations
1121 Revenue
1122 Revenue
1123 Agriculture
1124 Revenue
1125 Judiciary
1126 Business and Labor
1127 Natural Resources

LR	Committee
292CA	Revenue
293CA	Revenue
294CA	Government, Military and Veterans Affairs
295CA	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1153. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to the Department of Social Services; to amend sections 43-905, 43-1723, 43-1726, 43-1727, 68-716, and 68-1026, Reissue Revised Statutes of Nebraska, sections 42-358, 43-258, 43-1718.02, 43-1720, and 43-1722, Revised Statutes Supplement, 1994, and sections 43-105 and 48-647, Revised Statutes Supplement, 1995; to change medical assistance subrogation and income withholding for child support provisions; to eliminate the Nebraska Center for Children and Youth, a fund, certain duties of the department, a task force, assistance reimbursement and pro rata reduction procedures, an obsolete report directive, and certain waiver applications; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 43-901, 43-902, 43-904, 43-909, 43-910, 43-913, 47-408, 68-214, and 68-721, Reissue Revised Statutes of Nebraska, sections 68-1019.06, 68-1019.08, and 68-1036.01, Revised Statutes Supplement, 1994, and section 68-157, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1154. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to medicaid; to amend section 81-604.03, Reissue Revised Statutes of Nebraska; to adopt the False Medicaid Claims Act; to provide for civil penalties for nursing facilities violating federal medicaid regulations; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1155. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 44-772, 44-776, 44-777, 71-1002, and 81-651, Reissue Revised Statutes of Nebraska, sections 71-507, 71-1637, 71-2017, 71-2017.01, 71-2017.07, 71-4604.01, 71-4606, and 71-4608, Revised Statutes Supplement, 1994, and sections 44-773, 71-1,132.04, 71-1,132.06, and 71-1,132.17, Revised Statutes Supplement, 1995; to provide for listed Christian Science nurses; to change provisions relating to anatomical gifts; to change provisions regarding alcoholic and drug treatment centers; to change provisions relating to sales of recreational vehicles; to eliminate certification and inspection requirements for burial structures as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 12-608 and 12-610 to 12-612.01, Reissue Revised Statutes of Nebraska, and sections 12-607 and 12-609, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 1156. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Schimek, 27.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-5002, 81-1021, 83-1,147, 83-1,148, 83-227.01, 83-305, 83-306, 83-308, 83-308.02, 83-324, 83-336, 83-339, 83-340, 83-391, 83-1001, 83-1014, 83-1020, 83-1021, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1037, 83-1039, 83-1040, 83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, 83-1068, and 83-1078, Reissue Revised Statutes of Nebraska, and sections 71-5001 and 71-5654, Revised Statutes Supplement, 1994; to change and eliminate provisions relating to the Director of Medical Services and the Division of Medical Services of the Department of Public Institutions; to change and eliminate provisions concerning placement and extradition of mentally ill persons; to redefine a term; to eliminate reports; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-1,149 to 83-1,152, 83-308.01, and 83-344, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1157. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to the state building code; to amend sections 71-6403 and 71-6405, Revised Statutes Supplement, 1994; to adopt the Uniform Code for Building Conservation by reference; to harmonize provisions; and to repeal the original sections.

MOTION - Withdraw LB 1107

Mr. Lindsay renewed his pending motion, found in the Journal on page 337, to withdraw LB 1107.

The motion prevailed with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 414. The Withem-Wesely pending amendment, AM2751, found in the Journal on page 322, to the Withem-Wesely pending amendment, AM2750, found in the Journal on page 320, was renewed.

Mr. Withem moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Withem requested a roll call vote on the Withem-Wesely amendment.

Voting in the affirmative, 16:

Brown	Hillman	Lynch	Schmitt	Wesely
Crosby	Jones	Preister	Stuhr	Will
Dierks	Klein	Schimek	Wehrbein	Withem
Elmer				

Voting in the negative, 29:

Avery	Chambers	Hudkins	Matzke	Robinson
Bernard-Stevens	Coordsen	Janssen	Maurstad	Schellpeper
Bohlke	Engel	Jensen	McKenzie	Vrtiska
Brashear	Fisher	Kristensen	Pedersen	Warner
Bromm	Hartnett	Landis	Pirsch	Wickersham
	Hilgert	Lindsay	Robak	Witek

Excused and not voting, 4:

Abboud	Beutler	Cudaback	Schrock

The Withem-Wesely amendment lost with 16 ayes, 29 nays, and 4 excused and not voting.

The Withem-Wesely pending amendment, AM2750, found in the Journal on page 320, was renewed.

The Withem-Wesely amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Messrs. Wehrbein and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 414A. Title read. Considered.

Mr. Withem renewed his pending amendment, AM2721, found in the Journal on page 263.

The Withem 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 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 29. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

ANNOUNCEMENT

Mr. Beutler designates LB 108 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Maurstad asked unanimous consent to print the following amendment to the Rules Committee proposed rules change in the Journal. No objections. So ordered.

Amend Proposed Rule Change #6, Sec. 17 (a)
by inserting after shall be in the last sentence. . .
"limited to bills or resolutions previously designated or a senator priority. . . ."

UNANIMOUS CONSENT - Print in Journal

Mr. Warner asked unanimous consent to print the following amendment to LB 33 in the Journal. No objections. So ordered.

AM2754

1. Strike original sections 1 and 4 and insert the following new sections:

"Section 1. Section 33-150, Revised Statutes Supplement, 1995, is amended to read:

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 hygiene, medical nutrition therapy, 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 1993-94 for the board, bureau, division, fund, or commission. Until July 1, 1996, the percentage shall be fifteen percent, from July 1, 1996, through June 30, 1997, the percentage shall be ten percent, and from July 1, 1997, through June 30, 1998, the percentage shall be five percent. After June 30, 1998, the State Treasurer shall not credit any amount from the 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.

Sec. 4. Original section 33-151, Reissue Revised Statutes of Nebraska, and section 33-150, Revised Statutes Supplement, 1995, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, line 21, strike "October 1, 1995" and

19 insert "July 1, 1996".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1158. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,108 and 60-4,109, Reissue Revised Statutes of Nebraska; to change penalties relating to operating a motor vehicle without an operator's license; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 700. Title read. Considered.

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

Mr. Wickersham withdrew his amendment, AM2150, printed separately from the Journal and referred to on page 2126, First Session, 1995.

SPEAKER WITHEM PRESIDING

Mr. Wickersham and Mrs. Crosby renewed their pending amendment, AM2734, printed separately from the Journal and referred to on page 264.

Mrs. Pirsch, Messrs. Chambers, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen 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 Wickersham-Crosby amendment was adopted with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Wickersham withdrew his amendment, AM2358, printed separately from the Journal and referred to on page 2397, First Session, 1995.

Advanced to E & R for review with 27 ayes, 2 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 847. Title read. Considered.

Standing Committee amendment, AM0867, printed separately from the Journal and referred to on page 1166, First Session, 1995, was considered.

Messrs. Engel, Wehrbein, and Brashear 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.

Mr. Wickersham renewed his pending amendment, AM2684, printed separately from the Journal and referred to on page 201.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

ANNOUNCEMENT

Mr. Maurstad designates LB 952 as his priority bill.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1159. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to airport authorities; to amend section 3-506.01, Reissue Revised Statutes of Nebraska; to provide reimbursement for city treasurers who serve as ex officio treasurers of airport authorities; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Construction Lien Act; to amend section 52-131, Reissue Revised Statutes of Nebraska; to require claimants to record construction liens as prescribed; to provide powers and duties for county attorneys and the Attorney General; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 1161. Introduced by Hillman, 48; Bernard-Stevens, 42; Klein, 19; Matzke, 47; Wickersham, 49.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to provide for meetings of risk management pools to be held by videoconferencing; and to repeal the original section.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 886. Placed on Select File as amended.
E & R amendment to LB 886:
AM7166

1. In the Standing Committee amendments, AM1606:

a. On page 25, line 27, strike "Practices" and insert "Practice";

b. On page 31, line 17, after "director" insert "of the commission";

c. Renumber sections 25 to 35 as 24 to 34, respectively;

d. On page 37, line 27, after "director" insert "of the commission";

e. On page 42, line 27, strike the last comma and show as stricken; and

f. On page 47, line 17, strike "32" and insert "31".

2. On page 1, strike beginning with "Department" in line 1 through line 14 and insert "Equal Opportunity Commission; to amend sections 13-1102, 20-113, 20-139 to 20-141, 20-143, 20-305, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, and 48-1122 to 48-1126, Reissue Revised Statutes of Nebraska; to provide duties for and change provisions relating to the Equal Opportunity Commission; to change provisions relating to the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, and public accommodations discrimination; to eliminate the Act Prohibiting Unjust Discrimination in Employment Because of Age and provisions relating to discriminatory wage practices based on sex; to harmonize provisions; to provide an operative date; to".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1080 and LB 1082. No objections. So ordered.

ADJOURNMENT

At 4:20 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 9:00 a.m., Wednesday, January 10, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTH DAY - JANUARY 10, 1996

LEGISLATIVE JOURNAL

SIXTH DAY - JANUARY 10, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 10, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Jim Gordon, East Lincoln Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Dierks, Elmer, Fisher, Hartnett, Landis, Lindsay, Lynch, Robinson, Schrock, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 10, 1996.

The motion prevailed.

MOTION - Adopt Rules

Mr. Will renewed the Rules Committee pending proposed rules change, found in the Journal on pages 266, 267, and 268 and considered on page 348, to Rule 1, C. new section 17, Rule 3, Section 12(b), Rule 5, Section 5(h), Rule 6, Section 3(b), and Rule 7, Section 3(a).

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

Mr. Maurstad renewed his pending amendment, found in the Journal on page 300 and considered on page 348, to the Rules Committee proposed rules change.

Mr. Brashear 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 27 ayes, 1 nay, and 21 not voting.

The Maurstad amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

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

Mr. Maurstad offered the following amendment to the Rules Committee proposed rules change:

Amend proposed rule change #6

Sec. 17(b)(2) at the end of the sentence add "and committee chairperson."

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

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Maurstad amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1162. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-121, Revised Statutes Supplement, 1994, and section 17-208, Revised Statutes Supplement, 1995; to change membership on the board of health; and to repeal the original sections.

LEGISLATIVE BILL 1163. 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, and section 17-1002, Revised Statutes Supplement, 1994; to change provisions relating to suburban development, city planning, and zoning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1164. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to political subdivisions; to provide for certain methods of payment to political subdivisions; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1165. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend sections 19-916 and 19-927, Reissue Revised Statutes of Nebraska; to change provisions relating to city planning and zoning; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1166. Introduced by Robak, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1994; to modify federal adjusted gross income for state income tax purposes as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1167. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1995; to change provisions relating to disqualification for benefits; and to repeal the original section.

LEGISLATIVE BILL 1168. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to child support; to amend section 42-364, Revised Statutes Supplement, 1994; to change provisions relating to payment and use; and to repeal the original section.

LEGISLATIVE BILL 1169. Introduced by Abboud, 12; Avery, 3; Brashear, 4; Brown, 6; Hartnett, 45; Hilgert, 7; Jensen, 20; Lindsay, 9; Lynch, 13; Pedersen, 39; Pirsch, 10; Preister, 5; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to universities and colleges; to amend sections 81-841 and 85-107, Reissue Revised Statutes of Nebraska; to provide for an Institute of Information Science, Technology, and

Engineering at the University of Nebraska at Omaha; to provide for a vice chancellor of the institute; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1170. Introduced by Avery, 3; Abboud, 12; Hilgert, 7; Pedersen, 39; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-505, Reissue Revised Statutes of Nebraska, and section 17-207, Revised Statutes Supplement, 1995; to increase the fine a city of the second class or village may impose for the violation of an ordinance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Lindsay, 9, at the request of the Governor.

A BILL FOR AN ACT relating to probation; to amend section 29-2262, Reissue Revised Statutes of Nebraska; to create incarceration work camps; to provide duties for the Department of Correctional Services; and to repeal the original section.

MOTION - Adopt Rules

Mr. Chambers renewed his pending amendment, found in the Journal on page 349, to the Rules Committee pending proposed rules change, found in the Journal on pages 266, 267, and 268.

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 amendment.

Voting in the affirmative, 2:

Chambers Robak

Voting in the negative, 38:

Abboud	Brashear	Engel	Jensen	Matzke
Avery	Bromm	Fisher	Jones	Pedersen
Bernard-Stevens	Brown	Hilgert	Klein	Pirsch
	Coordsen	Hillman	Landis	Preister
Beutler	Cudaback	Hudkins	Lindsay	Robinson
Bohlke	Elmer	Janssen	Lynch	Schellpeper

Stuhr	Warner	Wesely	Will	Withem
Vrtiska	Wehrbein	Wickersham	Witek	

Present and not voting, 7:

Crosby	Maurstad	Schimek	Schmitt	Schrock
Hartnett	McKenzie			

Excused and not voting, 2:

Dierks	Kristensen

The Chambers amendment lost with 2 ayes, 38 nays, 7 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 282. Read. Considered.

LEGISLATIVE RESOLUTION 283. Read. Considered.

LEGISLATIVE RESOLUTION 291. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 282, 283, and 291 were adopted with 34 ayes, 0 nays, and 15 not voting.

LEGISLATIVE RESOLUTION 289. Read. Considered.

LEGISLATIVE RESOLUTION 290. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 289 and 290 were adopted with 44 ayes, 0 nays, and 5 not voting.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 909	Wednesday, January 17, 1996	1:30 p.m.
LB 912	Wednesday, January 17, 1996	1:30 p.m.
LB 926	Wednesday, January 17, 1996	1:30 p.m.
LB 1046	Wednesday, January 17, 1996	1:30 p.m.
LB 1074	Wednesday, January 17, 1996	1:30 p.m.
LB 1048	Wednesday, January 17, 1996	1:30 p.m.

Governor Appointment Wednesday, January 17, 1996 1:30 p.m.
Esther L. Casmer - Parole Board

LB 905	Thursday, January 18, 1996	1:30 p.m.
LB 927	Thursday, January 18, 1996	1:30 p.m.
LB 929	Thursday, January 18, 1996	1:30 p.m.
LB 983	Thursday, January 18, 1996	1:30 p.m.
LB 998	Thursday, January 18, 1996	1:30 p.m.
LB 991	Thursday, January 18, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

Health and Human Services

LB 940	Wednesday, January 17, 1996	1:30 p.m.
LB 1060	Wednesday, January 17, 1996	1:30 p.m.
LB 1108	Wednesday, January 17, 1996	1:30 p.m.
LB 988	Thursday, January 18, 1996	1:30 p.m.
LB 1001	Thursday, January 18, 1996	1:30 p.m.
LB 1004	Thursday, January 18, 1996	1:30 p.m.
LB 1044	Friday, January 19, 1996	1:30 p.m.
LB 1049	Friday, January 19, 1996	1:30 p.m.

(Signed) Don Wesely, Chairperson

Natural Resources

LB 923	Wednesday, January 17, 1996	4:00 p.m.
LB 1051	Thursday, January 18, 1996	1:30 p.m.
LB 1054	Friday, January 19, 1996	4:00 p.m.

(Signed) Chris Beutler, Chairperson

Business and Labor

LB 1013	Monday, January 22, 1996	1:30 p.m.
LB 1047	Monday, January 22, 1996	1:30 p.m.
LB 1072	Monday, January 22, 1996	1:30 p.m.
LB 925	Monday, January 22, 1996	1:30 p.m.
LB 1005	Monday, January 22, 1996	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Revenue

LB 934	Wednesday, January 17, 1996	1:30 p.m.
LB 984	Wednesday, January 17, 1996	1:30 p.m.

LB 1038	Wednesday, January 17, 1996	1:30 p.m.
LB 1040	Wednesday, January 17, 1996	1:30 p.m.
LB 1039	Wednesday, January 17, 1996	1:30 p.m.
LB 921	Wednesday, January 17, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Government, Military and Veterans Affairs

LB 936	Wednesday, January 17, 1996	1:30 p.m.
LB 956	Wednesday, January 17, 1996	1:30 p.m.
LB 968	Wednesday, January 17, 1996	1:30 p.m.
LB 982	Wednesday, January 17, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Nebraska Retirement Systems

LB 986	Wednesday, January 17, 1996	12:15 p.m.
LB 1075	Wednesday, January 17, 1996	12:15 p.m.
LB 1076	Wednesday, January 17, 1996	12:15 p.m.

(Signed) Bob Wickersham, Chairperson

PROPOSED RULES CHANGE

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

(1) In Rule 1, Section 1(a)

Strike from "6 members" through "see footnote"

Add a new section after "period of two years" and renumber the remaining sections accordingly.

Add the following wording in the new section:

"The Legislature shall be divided into three caucus groups the first consisting of Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35 and 46; the second consisting of Legislative Districts 3 through 14, 20, 31, 39 and 45; and the third consisting of Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. The membership of each caucus group shall convene and elect by secret ballot two members to serve on the Executive Board and three members to serve on the Appropriations Committee. The Chairman of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall become one of the representatives from his/her particular caucus

and such caucus shall only elect two members to the Appropriations Committee.

Strike Rule 3, Section 2(c)

(2) In Rule 3, Section 2(c) strike the word "selecting" and insert the word "electing"

Hence, Rule 3, Section 2(c) shall read as such "The Executive Board shall convene and be responsible for electing three members from each Executive Board district as noted..."

(Regarding Vacancies in the Executive Board)

(1) In Rule 1, Section 1(b)(iii) strike the words "pursuant to rule 3, Section 7(c)" and insert "by a majority vote of all members of the Legislature."

Hence, Rule 1, Section 1 (b)(iii) shall read, "In the event there is a vacancy of the Vice-Chairperson of the Executive Board, said vacancy shall be filled by a majority vote of all members of the Legislature."

(2) In Rule 1, Section 1(b) add a new paragraph as such: "(v) The Chairman of the Appropriations Committee shall become a voting member of the Executive Board until the vacancy is filled.

Referred to the Rules Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1172. Introduced by Robinson, 16; Matzke, 47; Maurstad, 30; Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 2-233, 19-2202, 19-3015, 19-3032, 39-1002, and 79-803.03, Reissue Revised Statutes of Nebraska, sections 23-222, 23-501, 32-103, 32-107, 32-214, 32-215, 32-222, 32-228, 32-235, 32-236 to 32-238, 32-240, 32-241, 32-242, 32-306, 32-312, 32-314, 32-315, 32-319, 32-321, 32-324, 32-325, 32-329, 32-507, 32-530, 32-543, 32-554, 32-565, 32-568, 32-606, 32-607, 32-609, 32-612, 32-618, 32-620, 32-621, 32-624, 32-715, 32-801, 32-803, 32-804, 32-808, 32-903, 32-904, 32-910, 32-914 to 32-916, 32-929, 32-933, 32-934, 32-935, 32-943, 32-946, 32-950, 32-1016, 32-1032, 32-1033, 32-1044, 32-1203, 32-1208, 32-1516, and 32-1544, Revised Statutes Supplement, 1994, and sections 32-101, 32-204, and 32-330, Revised Statutes Supplement, 1995; to change and eliminate provisions regarding elections; to provide penalties; to harmonize provisions; to provide operative dates; to repeal

the original sections; to outright repeal sections 70-642.03 and 70-642.04, Reissue Revised Statutes of Nebraska, and sections 32-1014 and 32-1509, Revised Statutes Supplement, 1994; and to declare an emergency.

LEGISLATIVE BILL 1173. Introduced by Klein, 19; Engel, 17; Hillman, 48; Maurstad, 30; Robak, 22; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1258, 81-1261, and 81-1263, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 1995; to authorize a lodging tax to fund civic centers in cities of the first class; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1174. Introduced by Dierks, 40; Jones, 43; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to livestock; to amend sections 54-134, 54-143, 54-145.01, 54-160, 54-401, 54-403, and 54-407, Reissue Revised Statutes of Nebraska; to change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions; to eliminate a definition; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-134.07 and 54-408, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1175. Introduced by Fisher, 35; Brashear, 4; Bromm, 23; Cudaback, 36; Jones, 43; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend section 44-515, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1995; to prohibit cancellation of insurance coverage as prescribed; to authorize the suspension of drivers' licenses and eligibility for drivers' licenses for certain juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2520, 60-302.01, 60-303, 60-305.04, 60-305.11, 60-305.15, 60-310, 60-311.02, 60-311.14, 60-311.21, 60-315, 60-318, 60-344, 60-1807, and 70-651.05, Reissue Revised Statutes of Nebraska, sections 60-106, 60-320, 66-4,128, 77-201, 77-202, 77-202.24, 77-1201, 77-1202, 77-1736.08, and 77-4501, Revised Statutes Supplement, 1994, and sections 23-186, 60-302, 60-1411.03, 60-1803, 77-202.01 to 77-202.06, 77-202.25, 77-1342, 77-3437, and 79-3809, Revised Statutes Supplement, 1995; to define terms; to impose fees on motor vehicles; to provide exemptions from the fees; to provide fee schedules; to eliminate provisions relating to

the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-1806 and 77-1242.02, Reissue Revised Statutes of Nebraska, sections 77-1238, 77-1239.05, 77-1239.06, 77-1240.03, 77-1241.01, and 77-1242.01, Revised Statutes Supplement, 1994, and sections 77-202.08, 77-1239 to 77-1239.02, 77-1240.01, and 77-1240.04, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1177. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 44-4320, 77-913, and 77-27,144, Reissue Revised Statutes of Nebraska; to provide state aid to municipalities; to define terms; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1178. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the enrollment option program; to amend section 79-3404, Reissue Revised Statutes of Nebraska; to provide for school building requests and assignment; and to repeal the original section.

LEGISLATIVE BILL 1179. Introduced by Jensen, 20; Lynch, 13; Will, 8.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2317, Revised Statutes Supplement, 1994; to redefine a term; to harmonize provisions; and to repeal the original section.

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LR 17CA in the Journal. No objections. So ordered.

AM2763

(Amendments to Standing Committee amendment, AM0265)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 ~~'Beginning with the year 1975, regular~~ Regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed

~~ninety~~ sixty-five legislative days ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members elected to the Legislature. ~~, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. An organizational session shall be held commencing at 10 a.m. on the sixth Wednesday after the general election in each even-numbered year. Bills may be introduced during the organizational session. The duration of the organizational session shall not exceed three days. The terms of the members of the Legislature shall commence on the first day of the organizational session, and notwithstanding Article III, section 7, of this Constitution, the preceding terms shall terminate on such date.

The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor.

No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.'.

Sec. 2. 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 the length of the regular legislative session to sixty-five days annually with no possible extension, to add a biennial organizational session of three days or less, and to change the date on which the terms of members of the Legislature commence and terminate.

For

Against'.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LR 291. No objections. So ordered.

Mr. Klein asked unanimous consent to have his name added as cointroducer to LR 288CA. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 1156. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Brian Hill from Kearney, Tom Furey, Mikki Keller, Frank Tierney, John Gondring, and Elder and Sister Barker.

ADJOURNMENT

At 11:37 a.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, January 11, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTH DAY - JANUARY 11, 1996

LEGISLATIVE JOURNAL

SEVENTH DAY - JANUARY 11, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 11, 1996

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, Avery, Coordsen, Cudaback, Engel, Fisher, Hartnett, Kristensen, Landis, Lindsay, Lynch, Pedersen, Robinson, Schrock, Warner, Will, Withem, and Mrs. Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

MOTION - Adopt Temporary Rules

Mr. Klein moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 11, 1996.

The motion prevailed.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 584. Placed on Select File as amended.
(E & R amendment, AM7167, 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 469. Placed on Select File as amended.
E & R amendment to LB 469:
AM7168

1. Strike the original sections and all amendments thereto and insert the following sections:

"Section 1. Section 19-4610, Reissue Revised Statutes of Nebraska, is amended to read:

19-4610. (1) If a utility desires to change its rates for natural gas service within a municipality other than to reflect an adjustment for natural gas supply costs, the utility shall present to the municipality copies of present and proposed rate schedules, the monthly customer billing dates for the twelve months following the date of filing, and information supporting the proposed rates for natural gas service within the municipality as required by section 19-4611.

(2) The municipality may charge and collect a filing fee for a rate filing. Such fee shall not exceed: (a) For a city of the primary class, two thousand dollars; (b) for a city of the first class, one thousand dollars; (c) for a city of the second class, three hundred dollars; and (d) for a village, seventy-five dollars.

(3) Within forty-five days after the date of filing, a municipality may reject a rate filing only on the grounds that the information required by section 19-4611 has not been filed with the municipality. The utility shall be given at least seven days' prior written notice of any meeting to consider rejection of the utility's rate filing. Rejection shall be made by resolution of the municipality and shall state the reasons upon which the rejection is based. In the event of any such rejection, a copy of the written resolution shall be delivered to the utility within seven days after final action by the municipality. After receipt of the resolution, the utility shall have fifteen days to remedy the deficiencies stated in such resolution and the time periods under section 19-4607 shall not be suspended during such fifteen-day period. If the municipality has not received the information to cure the deficiencies within the fifteen-day period or within such additional period of time as may be agreed to by the utility and the municipality, the filing shall be deemed to be rejected and the utility shall be required to initiate a new rate filing.

(4) The utility may appeal from the decision of the municipality rejecting a rate filing. The appeal shall be to the district court.

(5) If a rate filing is rejected and the rejection is appealed, the utility may place the interim rates into effect pursuant to the time periods specified in section 19-4607, subject to refund, pending district court determination. If the utility appeals the rejection of the filing and if the court rules that the

rejection was unreasonable, the times specified in section 19-4607 shall run from the date of filing.

Sec. 2. Section 19-4615, Reissue Revised Statutes of Nebraska, is amended to read:

19-4615. (1) Notice of filings for any rate increase under the Municipal Natural Gas Regulation Act shall be given within thirty days of filing by publication by placing a notice to the public of the proposed change in a newspaper having general circulation in the municipality, except that a utility may provide notice to the public by mailing such notice by United States mail, postage prepaid, to the billing address of each directly affected customer or by including the notice in such customer's bill in a conspicuous form. An affidavit signed by an official of a utility and describing the method of publication of the notice shall be filed with the office of the clerk of the municipality. The notice shall contain:

~~(1)~~ (a) The name and address of the utility;

~~(2)~~ (b) The dollar amount of the increase as it pertains to the typical residential customer;

~~(3)~~ (c) The percentage amount of the increase; and

~~(4)~~ (d) The name and address of the clerk of the municipality.

(2) No later than twenty days prior to the scheduled date of the area rate hearing provided for in section 19-4616, the utility shall inform affected utility customers of the hearing by mailing notice by United States mail, postage prepaid, to the billing address of each directly affected customer or by including the notice in such customer's bill in a conspicuous form. The notice shall contain a brief statement of the purpose of the hearing and the date, time, and place of the hearing or nearest videoconference site and shall inform the customer of his or her right to attend the hearing and to appear, participate, and present testimony.

Sec. 3. Section 19-4616, Reissue Revised Statutes of Nebraska, is amended to read:

19-4616. (1) A report specifying the reasons supporting any action recommended to the municipality by the municipal staff or any agent or employee employed by or on behalf of the municipality to assist it in rate regulation shall be provided to the municipality and the utility within one hundred twenty countable days of the date of the rate filing. Relevant information requests regarding the report may be made by the utility to the municipality and shall be responded to as soon as reasonably possible prior to the date for the filing of the rebuttal. Not later than one hundred twenty countable days following the date of the rate filing, the municipality shall set the date, time, and place of the area rate hearing and any sites for videoconference participation and shall inform the utility not less than fifteen days before the utility's next customer billing

date which will occur at least twenty days before the area rate hearing.

(2) Within seven countable days after receipt of the report, the utility and the municipality identified in section 19-4617 may mutually agree to discuss resolution of the rate filing issues and may mutually agree to suspend the date of final action and time periods set forth in the Municipal Natural Gas Regulation Act for a period not to exceed thirty days.

(3) Within fourteen countable days after receipt of the report, the utility shall file its rebuttal. Relevant information requests regarding the rebuttal may be made by the municipality to the utility and shall be responded to as soon as reasonably possible prior to the area rate hearing provided for in this section.

(4) No sooner than seven days after the utility files its rebuttal, an area rate hearing shall be held in the municipality having the largest number of customers in the rate area. Such hearing shall be conducted by a hearing officer appointed by the municipality identified in section 19-4617. Such hearing officer shall have experience in the conduct of hearings so as to insure the fair, impartial, and expeditious conduct of the proceedings and the creation of a record of the proceedings. The utility shall be given written notice of such rate hearing and the name of the hearing officer by the end of the one-hundred-twenty-eighth countable day after the date of filing. The municipalities and the utility shall be granted the opportunity at such hearing to call witnesses, present evidence, cross-examine witnesses, and argue the evidence. If the municipalities and the utility reach an agreement upon any or all of the items at issue with regard to the filing by the utility, the terms of any agreement shall be presented in full at the hearing and the proposed findings of fact and conclusions of law presented to the hearing officer shall reflect the terms of the agreement. Customers of the utility attending the hearing shall be provided a full and complete opportunity to appear, participate, and present testimony at the hearing with regard to the agreement or any of its terms. Prior to such hearing, the hearing officer shall establish procedures for the conduct of the hearing to comply with this provision. The utility shall present as evidence at the hearing all the information which it desires to have considered by the municipality in its consideration of the rates to be adopted. Following the hearing, the utility and the municipalities shall provide to the hearing officer their proposed findings of fact and conclusions of law. A certified court reporter shall be present at the hearing and shall prepare a transcript of the proceedings.

(5) When two or more rate areas served by the same utility are conducting area rate hearings on the same date, a consolidated area rate hearing of all the rate areas may be conducted at one single site by videoconference upon the consent of the utility and the municipalities identified in section 19-4617

representing a majority of the affected rate areas. If a joint area rate hearing is approved, there shall be at least one remote site in each rate area participating from which interested persons may view the proceedings and participate as witnesses. If a joint area rate hearing is held pursuant to this subsection, a separate official record conforming to the requirements of this section shall be created for each rate area.

(6) The official record of the hearing shall consist of the rate filing, all reports, all evidence presented by the utility and the municipalities, all documents and information presented at the hearing, the transcript of the proceedings, and the proposed findings of fact and conclusions of law presented to the hearing officer by the municipalities and the utility. A copy of the official record shall be transmitted by the hearing officer to each municipality in the rate area.

(7) ~~(6)~~ Following the hearing and within one hundred eighty countable days of the date of filing, each municipality within the rate area shall take final action on the rate filing by adopting findings of fact and conclusions of law and a rate ordinance based on such findings and conclusions. If the municipality does not take action within that one-hundred-eighty-countable-day period, the rates filed by the utility in its rate filing shall become final and no longer subject to refund. Notwithstanding any other provision of state law or any local ordinance, the adoption of a rate ordinance shall require no more than a vote of a majority of the elected members of any governing body of a municipality made at one public meeting after compliance with public notice requirements and a public hearing on the proposed ordinance.

(8) ~~(7)~~ Within thirty days of the date of final action by the municipalities within a rate area, a utility may initiate proceedings for judicial review of the decision of any municipality in the rate area to the district court. At the time the utility initiates action for judicial review, it shall join in such action as parties all municipalities in the rate area whose actions are being challenged.

(9) ~~(8)~~ In no event shall the district court render a decision upon a judicial review of municipal action later than one hundred eighty days after the filing of the action.

(10) ~~(9)~~ The utility shall, within thirty days of the date of final action, unless it takes timely action to initiate judicial review, implement the rates established by the action of the municipality and shall, within sixty days of such action, make refunds, if any, with interest as provided in section 19-4607.

Sec. 4. Section 19-4618, Revised Statutes Supplement, 1994, is amended to read:

19-4618. (1) Once in any thirty-six-month period, one or more municipalities in each rate area may initiate a proceeding for a review and possible adjustment in rates to conform such rates to

the standards of section 19-4612 by the introduction of a resolution for such purpose. The municipality shall provide to the utility seven days' prior written notice of the meeting at which such resolution is to be considered and a copy of the proposed resolution. Following adoption of the resolution, the clerk of the municipality shall send a copy of the resolution by certified mail to the utility. The municipality may request the information required by section 19-4611 to be provided by the utility within one hundred twenty days of the receipt of the notice unless otherwise agreed. Following filing of the information required in section 19-4611, the municipality may make additional requests as provided in section 19-4614. The utility shall be provided with a copy of any reports and analyses prepared for the municipality in its consideration of a rate adjustment. To the fullest extent possible, the general procedures provided for in subsections (1) through ~~(6)~~ (7) of section 19-4616 shall be followed by the municipality and the utility, except that calculations of time periods shall be from the date on which the municipality receives the information specified in section 19-4611 and not from the date of filing. Nothing in this subsection shall require the participation in the proceedings of every municipality in the rate area. During the pendency of all proceedings under this section and through the period of judicial review of those proceedings, the rates in effect prior to the time the municipality adopts the resolution provided for in this section shall remain in effect. The provisions of subsection (5) of section 19-4607 shall be applicable to this section.

(2) Except as provided in the Municipal Natural Gas Regulation Act, no municipality shall be entitled to any filing fees or assessments against the utility when the municipality initiates a rate adjustment nor shall the municipality receive a loan under section 19-4617 for such purposes. If the utility initiates judicial review of the decision of a municipality under this section and the court upholds the decision of the municipality, the court may award the municipality litigation expenses to include attorney's fees, expert witness fees, consultant fees, and such other related expenses as the court finds to be properly related to the judicial review. Any action for judicial review shall be initiated in the district court. If appropriate resolutions are adopted by municipalities representing seventy percent or more of the customers in the rate area initiating a proceeding for review and possible adjustment of natural gas rates, the applicant representing the largest number of customers shall be given a loan for such purposes upon the terms of section 19-4617.

(3) ~~After August 1, 1993, any~~ Any municipality or combination of municipalities within a rate area which determines from the filings made by a utility pursuant to section 19-4618.02 that evidence exists that the utility is engaging in subsidization

may conduct a review of the utility's rates for natural gas service to customers pursuant to this section for the purpose of determining whether it is necessary to adjust prospectively any portion of the rates.

Sec. 5. Original sections 19-4610, 19-4615, and 19-4616, Reissue Revised Statutes of Nebraska, and section 19-4618, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, line 2, strike "section" and insert "sections 19-4610, 19-4615, and"; and strike beginning with "provide" in line 4 through "prescribed" in line 5 and insert "change provisions relating to rate hearings".

(Signed) David I. Maurstad, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1070, the referral of legislative bills 1128 through 1161, and a Governor appointment.

LB	Committee
1070	Natural Resources
1128	Appropriations
1129	Business and Labor
1130	Business and Labor
1131	Urban Affairs
1132	Health and Human Services
1133	Government, Military and Veterans Affairs
1134	Transportation
1135	Government, Military and Veterans Affairs
1136	Judiciary
1137	Transportation
1138	Education
1139	Government, Military and Veterans Affairs
1140	Education
1141	Judiciary
1142	Education
1143	Appropriations
1144	Business and Labor
1145	Education
1146	Banking, Commerce and Insurance
1147	Government, Military and Veterans Affairs
1148	Transportation
1149	Education
1150	Banking, Commerce and Insurance
1151	Judiciary
1152	Education
1153	Health and Human Services
1154	Health and Human Services

1155 Health and Human Services
1156 Health and Human Services
1157 Health and Human Services
1158 Transportation
1159 Urban Affairs
1160 Government, Military and Veterans Affairs
1161 Government, Military and Veterans Affairs

O'Neill, Thomas J., Jr. - Game and Parks Commission -- Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTION - Withdraw LB 987

Mr. Janssen moved to withdraw LB 987.

Laid over.

ANNOUNCEMENTS

Mrs. Crosby designates LB 939 as her priority bill.

Mr. Klein designates LB 1044 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 932	Monday, January 22, 1996	1:30 p.m.
LB 977	Monday, January 22, 1996	1:30 p.m.
LB 933	Monday, January 22, 1996	1:30 p.m.
LB 1109	Monday, January 22, 1996	1:30 p.m.

Governor Appointments Monday, January 22, 1996 1:30 p.m.
Nebraska Arts Council
Michael Harsh
Sheila Hawes
Anne Rismiller
Theodore Stutheit

(Signed) Stan Schellpeper, Chairperson

Government, Military and Veterans Affairs

LB 924	Thursday, January 18, 1996	1:30 p.m.
LB 964	Thursday, January 18, 1996	1:30 p.m.
LB 967	Thursday, January 18, 1996	1:30 p.m.
LB 928	Friday, January 19, 1996	1:30 p.m.
LB 1011	Friday, January 19, 1996	1:30 p.m.
LB 1111	Friday, January 19, 1996	1:30 p.m.
LB 1094	Friday, January 19, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 96002

DATED: January 9, 1996

SUBJECT: Impact of Proposed Legislative Change on Prosecutions Under Neb. Rev. Stat. § 28-311.02 (Cum. Supp. 1994)

REQUESTED BY: Senator Joyce Hillman,
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Barry Waid, Assistant Attorney General

You have asked whether deleting the words "any victim who has been willfully and maliciously harassed" as well as all references to stalking from Neb. Rev. Stat. § 42-924 (Reissue 1993) will adversely affect prosecutions under Neb. Rev. Stat. §§ 28-311.02 - 28-311.05 (Cum. Supp. 1993).

The answer is no. The proposed legislative change will not affect prosecutions under the "stalking" statute. In 1992, the Legislature passed a provision making stalking a crime. Neb. Rev. Stat. §§ 28-311.02 - 28-311.05 (Cum. Supp. 1992). The statute required as one if its elements of proof that the acts were done in violation of one of the court orders enumerated in Neb. Rev. Stat. § 28-311.03. Protection orders were one of the court orders which, if violated by the actor, could form the basis for a stalking prosecution. The requirement that a court order (such as a protection order) be in effect prohibiting the behavior has been removed from the stalking law currently in force. Neb. Rev. Stat. § 28-311.03 (Cum. Supp. 1993). As a result, whether a citizen is eligible to obtain a domestic protection order will not affect the ability of the state to prosecute individuals who might victimize other citizens by stalking them.

Sincerely yours,
DON STENBERG

Attorney General
(Signed) Barry Waid
Assistant Attorney General

40-936-1

REPORTS

The following reports were received by the Legislature:

Insurance, Department of
Property and Casualty Insurance Annual Report for 1994 and ten year period ending in 1994 (Section 44-4605)

Investment Finance Authority, Nebraska (NIFA)
Series A and B Community Development Loan Notes Quarterly Report (Neb.Rev.Stat. § 58-270(4))

Environmental Quality, Department of
Construction Grants Program #518 Semi-annual Report (Section 81-1533)
Small Town Grants Program #523 Semi-annual Report (Section 81-15,153)

Retirement Systems, Public Employees, Nebraska
Nebraska Judges' Retirement System Actuarial Valuation Report for July 1, 1994 through June 30, 1995
Nebraska School Retirement Actuarial Valuation Report for July 1, 1994 through June 30, 1995
Nebraska State Patrolmen's Retirement System Actuarial Report for July 1, 1994 through June 30, 1995

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 282, 283, 289, 290, and 291.

MOTION - Adopt Rules

The Rules Committee pending proposed rules change, found in the Journal on pages 266, 267, and 268 and considered on pages 348, 362, and 365, to Rule 1, C. new section 17, Rule 3, Section 12(b), Rule 5, Section 5(h), Rule 6, Section 3(b), and Rule 7, Section 3(a), was renewed.

Mr. Bernard-Stevens offered the following amendment to the Rules Committee proposed rules change:
Amend Rules Change #6
Strike Subsection C of Rule 17.

Mr. Coordsen 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 21 ayes, 0 nays, and 28 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Abboud	Cudaback	Jones	Pirsch	Schmitt
Avery	Dierks	Kristensen	Robak	Stuhr
Bohlke	Hudkins	McKenzie	Schellpeper	Wickersham
Chambers	Jensen	Pedersen	Schimek	Witek
Crosby				

Voting in the negative, 23:

Beutler	Elmer	Hillman	Matzke	Vrtiska
Brashear	Engel	Janssen	Maurstad	Warner
Bromm	Fisher	Klein	Robinson	Wehrbein
Brown	Hartnett	Landis	Schrock	Wesely
Coordsen	Hilgert	Lynch		

Present and not voting, 3:

Bernard-Stevens	Preister	Withem

Excused and not voting, 2:

Lindsay	Will

The Bernard-Stevens amendment lost with 21 ayes, 23 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

Mrs. Brown designates LR 41CA as her priority resolution.

NOTICE OF COMMITTEE HEARINGS
Education

LB 935	Monday, January 22, 1996	1:30 p.m.
LB 989	Monday, January 22, 1996	1:30 p.m.
LB 950	Monday, January 22, 1996	1:30 p.m.
LB 1023	Tuesday, January 23, 1996	3:30 p.m.
LB 1024	Tuesday, January 23, 1996	3:30 p.m.
LB 1142	Tuesday, January 23, 1996	3:30 p.m.
LB 1050	Tuesday, January 30, 1996	2:00 p.m.

(Signed) Ardyce Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Wickersham, 49; McKenzie, 34; Stuhr, 24; Robak, 22; Hillman, 48; Bernard-Stevens, 42; Coordsen, 32; Maurstad, 30; Warner, 25; Vrtiska, 1; Cudaback, 36; Matzke, 47; Bohlke, 33; Schrock, 38; Abboud, 12; Fisher, 35; Withem, 14; Schmitt, 41; Engel, 17; Schellpeper, 18; Klein, 19; Robinson, 16; Elmer, 44; Dierks, 40; Jones, 43; Bromm, 23.

WHEREAS, section 81-1108.36, Reissue Revised Statutes of Nebraska, provides direction to state agencies wishing to name state buildings or sites; and

WHEREAS, A physical activity center, yet unnamed, was constructed on the Chadron State College campus in 1985 to provide a center for instruction, health and fitness, recreation, athletics, and entertainment for students and faculty of the college and the Chadron community; and

WHEREAS, the persistence and persuasion of Dr. and Mrs. Edwin Nelson were instrumental in the establishment of the Chadron State College physical activity center; and

WHEREAS, Dr. Nelson served as an administrator at Chadron State College for nearly twenty-five years before retiring in 1986 as President Emeritus; and

WHEREAS, even after his retirement, Dr. Nelson's workshops and leadership have continued to contribute to community revitalization and economic development throughout the State of Nebraska; and

WHEREAS, the Board of Trustees of the Nebraska State Colleges wishes to recognize two people whose personal and professional lives have been committed to the support and improvement of Chadron State College; and

WHEREAS, on November 11, 1995, the Board of Trustees of the Nebraska State Colleges unanimously approved the naming of the Chadron State College physical activity center after Edwin and Avis Nelson, which was also approved by the Governor.

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

1. That the Chadron State College physical activity center be named the Edwin and Avis Nelson Center for Physical Activity.

2. That a copy of this resolution be sent to Dr. and Mrs. Nelson upon its passage.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1180. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to medical care; to require certain lengths of hospital stays after delivery of a newly born child.

LEGISLATIVE BILL 1181. Introduced by Wehrbein, 2; Dierks, 40; Schellpeper, 18.

A BILL FOR AN ACT relating to farm wineries; to amend section 53-123.11, Reissue Revised Statutes of Nebraska, and section 53-123.15, Revised Statutes Supplement, 1994; to provide for shipments from farm wineries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Fisher, 35; Abboud, 12; Avery, 3; Brashear, 4; Cudaback, 36; Hudkins, 21; Jensen, 20; Jones, 43; Pirsch, 10; Robinson, 16; Schmitt, 41; Schrock, 38; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-101, 28-105, 28-109, 28-201, 28-416, 28-912, 28-1205, 28-1206, 28-1212.02, 29-2204, 29-2221, 29-2523, 29-2528, 29-3001, 29-3002, 43-247, and 43-279, Reissue Revised Statutes of Nebraska, and sections 83-1,116, 83-1,122, 83-1,123, and 83-1,135, Revised Statutes Supplement, 1995; to change provisions relating to classification of felonies, habitual criminal proceedings, capital cases, postconviction proceedings, juvenile courts, parole, and informants; to change and provide for certain crimes and penalties as prescribed; to provide for intensive incarceration; to eliminate certain provisions relating to cost projections and appropriations for increased inmate populations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2262.01, 50-129, and 50-130, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1183. Introduced by McKenzie, 34; Bohlke, 33.

A BILL FOR AN ACT relating to labor; to require an informed consent for certain employees exposed to environmental health hazards.

LEGISLATIVE BILL 1184. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148.04, Revised Statutes Supplement, 1994; to define a term; to change provisions relating to a bank's investment of funds; and to repeal the original section.

LEGISLATIVE BILL 1185. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 44-5133, Reissue Revised Statutes of Nebraska; to change provisions relating to insurer investments; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Print in Journal

Mr. Abboud asked unanimous consent to print the following amendment to LB 645 in the Journal. No objections. So ordered.

AM2699

(Amendments to Standing Committee amendments, AM0240)

1. On page 1, strike lines 1 and 2 and insert the following amendments:

"1. Strike original sections 5 and 6 and insert the following sections:

'Sec. 5. (1) Except as provided in subsection (2) of this section, any person to whom the Sex Offender Registration Act applies shall be required to register during any period of probation or parole and shall continue to comply with the act for a period of ten years after the date of discharge from probation, of parole, or of release from incarceration, whichever date is most recent.

(2)(a) When sentencing a person for an offense listed in subdivision (1)(a) of section 3 of this act, a court may also determine if the person is a sexually violent predator. When making its determination the court may consider evidence from experts in the field of the behavior and treatment of sexual offenders.

(b) If the sentencing court determines that a person is a sexually violent predator, the person shall be required to register under the Sex Offender Registration Act until the sentencing court determines that the person no longer suffers from a mental abnormality or personality disorder that makes the person likely to engage in a predatory sexually violent offense. Such determination shall not be made until ten years after the date of discharge from probation, of parole, or of release from incarceration, whichever

date is most recent.

(c) In addition to complying with the annual verification requirements in section 6 of this act, a person determined to be a sexually violent predator shall verify the registration information every three months after the initial registration date.

(d) For purposes of this section:

(i) Mental abnormality means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of a criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons;

(ii) Predatory means an act directed at a stranger, or at a person with whom a relationship has been established or promoted, for the primary purpose of victimization; and

(iii) Sexually violent predator means a person who has been convicted of one or more offenses listed in subdivision (1)(a) of section 3 of this act and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

Sec. 6. (1) Registration information required by the Sex Offender Registration Act shall be in a form approved by the Nebraska State Patrol and and shall include the following information:

(a) The name and all aliases which the person has used or under which the person has been known;

(b) A complete description of the person, including date of birth, social security number, photographs, and fingerprints;

(c) A listing of each offense covered in section 3 of this act to which the person pled guilty or was found guilty, the jurisdiction where each offense was committed, the court in which the person pled guilty or was found guilty of each offense, and the name under which the person pled guilty or was found guilty of each offense;

(d) The name and location of each jail, penal facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined; and

(e) The address of the person's current residence and place of employment.

(2) For the duration of the registration period required by the act, registration information shall be verified annually within thirty days after the anniversary date of the person's initial registration date. To properly verify, the following shall occur:

(a) The Nebraska State Patrol shall mail a nonforwardable verification form to the last-reported address of the person;

(b) The verification form shall be signed by the person and state whether the person still resides at the address last reported to the patrol; and

(c) The person shall mail the verification form to the patrol within ten days after receipt of the form.

(3) If the person fails to complete and mail the verification form to the patrol within ten days after receipt of the form, the person shall be in violation of this section unless the person proves that he or she has not changed his or her residence address.

(4) If the person falsifies the registration or verification form, the person shall be in violation of this section.

Sec. 12. Law enforcement officials, their employees, and state officials shall be immune from liability for good faith conduct under the Sex Offender Registration Act.'.

2. On page 2, strike lines 16 through 19 and insert:

'(a) Pleads guilty to or is found guilty of:

(i) Kidnapping of a minor pursuant to section 28-313, except when the person is the parent of the minor and was not convicted of any other offense in this section;

(ii) False imprisonment of a minor pursuant to section 28-314 or 28-315;

(iii) Sexual assault pursuant to section 28-319 or 28-320;

(iv) Sexual assault of a child pursuant to section 28-320.01;

(v) Sexual assault of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386;

(vi) Incest of a minor pursuant to section 28-703;

(vii) Pandering of a minor pursuant to section 28-802;

(viii) Visual depiction of sexually explicit conduct of a child pursuant to section 28-1463.03 or 28-1463.05; or

(ix) Attempt, solicitation, or conspiracy to commit an offense listed in subdivisions (1)(a)(i) through (1)(a)(viii) of this section;'.

4. On page 6, line 16, strike '1996' and insert '1997'.

5. Renumber the remaining sections accordingly.".

2. Renumber the remaining amendment accordingly.

MOTION - Escort Governor

Mr. Withem moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Mmes. Bohlke, Crosby, Brown, Messrs. Brashear, and Bromm 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 Address.

STATE OF THE STATE ADDRESS

Five years ago, I stood before this chamber to deliver my first State of the State address. As I prepared for my address today and reflected on that first speech, I had two observations.

I was struck by the tremendous amount of positive change that has occurred in Nebraska. Working together, we have met challenges by turning them into opportunities. We have delivered on promises. We have made a difference.

I also realized that our nation is in many ways facing the same kinds of challenges it was in 1991.

In my first State of the State, we sent our prayers to those serving in the Persian Gulf. Today, our prayers are with those trying to keep peace in war-torn Bosnia.

Back then, I warned that the federal government had to face up to its financial difficulties. While Nebraska has learned to live within its means, the same cannot be said for our federal government in Washington, and all of us are suffering the consequences.

As I faced my first legislative session, I asked for the help of every Nebraskan to meet our challenges. I told you then that, "We can do what must be done." Working together, we've answered that call. We've seen fundamental change and a great deal of progress in Nebraska and have set an example those in our nation's capital would be wise to follow.

We've worked hard to make sure our education system is the best it can be. We recognize that money alone will not solve the problems in our schools. That's why we have used our resources wisely and targeted our funding to give students the tools they need to succeed.

We've boosted state aid to education by more than $79 million during my administration - that's an increase of more than 22 percent. Since 1993, nearly $20 million in state lottery proceeds have gone into a fund for innovative education projects - many of those involving computer technology. We've given students the knowledge they need to keep drugs and gang activity out of their lives.

Our students and teachers have responded - our performance on national tests continues to place Nebraska among the highest-scoring states in the country. But in this competitive environment, being good

isn't good enough. Establishing measurable standards will help us bring out the best in every student.

Nebraska's six ethanol plants now produce 275 million gallons every year. The ethanol industry has increased corn prices and jobs. More than 4,000 Nebraska jobs are tied to ethanol production.

Our "Employment First" welfare reform program will help welfare recipients get back to work. We are returning our welfare system to the temporary safety net it was meant to be.

We've passed a juvenile crime bill and armed our carrier enforcement officers. The "Safe Streets Act of 1995" is putting and keeping more dangerous offenders behind bars. We've given our law enforcement officers more tools in their battle - improved DNA testing and a new high-tech fingerprint identification system.

Now, we can build on our achievements. The new challenges we face present even more opportunities for positive change.

What's essential to remember is that all of our successes have their foundation in the fiscal integrity of the state. I consider my role as steward of the budget to be my number one challenge.

Over the past five years, we've emphasized fiscal responsibility and spending restraint. We've consistently focused on efficiency, effectiveness and curbing the growth of spending. We've limited the hiring of employees. We've instituted a strategic budget plan. We've seen dramatic results.

Before I took office, state government spending was growing at an average annual rate of 12.6 percent. During the past five years, we've reduced the growth rate by two-thirds, to an average of less than four percent a year.

Nebraska continues to benefit from a strong economy. We consistently have one of the lowest unemployment rates in the country. During the last five years, we've increased non-agricultural employment in Nebraska by more than 10 percent - that's an increase of 82,000 jobs.

We expect continued economic growth. But at the same time, there are good reasons to be cautious. Net tax receipts for fiscal year 1994-1995 were below projections. This has depleted the cash reserve fund. Our first priority must be to rebuild our cash reserve.

I am presenting a budget bill which transfers $21.5 million to the cash reserve fund in this fiscal year and another $17.3 million in the next.

Action to strengthen our cash reserve is necessary and critical. Inaction is irresponsible and unacceptable. We must maintain a sound financial position, and we must establish that our priority is on saving, rather than spending, our general fund dollars.

Budgeting for state government is a balancing act - avoiding uncontrolled growth while still meeting the important needs of Nebraskans. As federal support declines and communities find themselves with responsibilities they cannot afford, the state gets hit from both sides.

In addition, this is a time of considerable uncertainty. With nearly a third of the federal fiscal year behind them, Congress and the President still have not reached an agreement on the federal budget. This leaves us more than halfway through the state fiscal year with only temporary federal funding decisions on many state-delivered services.

Any losses in federal funds can only be made up in three ways - greater efficiencies, reductions in services or re-allocating state resources. We pledge to work closely with you as decisions are made on the federal level, to do what is in the best interests of Nebraskans.

State agencies, boards and commissions have submitted mid-biennium general fund budget requests of $28.4 million, and I have carefully reviewed them. But I am recommending budget adjustments that total only about one-third of the amount requested.

I recommend that most agency requests for new or increased funding not be considered at this midpoint in the biennium. Several agencies have asked for funding to negate the effect of my vetoes last session, vetoes you sustained for fiscal year 1996-1997. I urge you to reject those funding requests, to use caution and restraint in spending, and to make every effort to improve our cash reserve.

The need for the state to continue to exercise fiscal restraint is obvious. And the need for local governments to exercise the same kind of restraint is just as clear - local spending increases are driving property taxes above our ability to pay. The challenge is how best to achieve property tax relief.

The Local Control Taxpayer Relief Act I have proposed is a common-sense solution to our property tax problems. Others want to spell relief S-H-I-F-T. I spell it C-U-T. It is only with spending cuts that we can achieve true property tax relief.

Local control is the key to this plan. If a subdivision wants to change its spending limits, it can do so with the approval of the governing board and the voters.

This plan is both fair and realistic. It is not a constitutional change, which should be used only after all other options are first exhausted.

It's not enough to ask how a property tax relief proposal will affect us individually. We must also ask how it will affect our families, our neighbors, our communities and our state.

I'll listen to those with concerns or suggestions on this issue. We must all keep an open mind and focus on finding a true property tax solution - a solution that will ensure that all taxpayers will see relief, not just some.

Capping local spending raises the question, "What about a cap on state spending as well?" Property taxes go to local governments. Income taxes go to state government, and that is the most appropriate area for the state to cut.

I am again proposing a personal income tax cut of $35 million a year, beginning with the 1997 tax year. This tax cut is made possible by our continued spending restraint at the state level and the growing economy of our state.

Net tax receipts may be below projections, but tax revenues continue to increase. Nebraska's economy is sound, and taxpayers deserve to share directly in our economic prosperity.

This income tax cut will result in an average reduction of nearly four percent for every Nebraska taxpayer. It will enhance our position in the highly competitive area of economic development. And it sends the right signal - we can return dollars to taxpayers rather than spend them.

Some have declared the income tax cut dead on arrival. Others may try to kill it before it's had a fair hearing. Listen to the call of Nebraskans. They want a more efficient and less costly government. The income tax cut is a step in the right direction. It's realistic. And it can be done.

We must continue to challenge government at all levels to be more efficient and effective, creating an opportunity for us to do a better job with the resources we have.

A year ago, we embarked on an ambitious project to review the health and human services activities of our state agencies. The need for change was clear - our current system is outdated, rigid and lacking in coordination. This results in confusion and duplication.

I asked Lt. Governor Kim Robak to look for more efficient and effective ways to deliver services to Nebraskans. The outcome is the

Nebraska Partnership Project, a plan to create a unified health and human services system.

What began as a streamlining effort has become a blueprint for the most sweeping changes in the structure of state government in recent history.

We have introduced legislation this session to create the new system. That legislation calls for transferring the functions of five existing state agencies - Social Services, Health, Aging, Public Institutions and Juvenile Services - to three functionally-based agencies.

Our goal is to create a system that emphasizes local control, accountability and quality service. To further design a common-sense Nebraska system, we will seek participation over the next year from all sectors - state employees, communities, providers, clients, advocacy groups, business interests and you, the lawmakers.

We also created a public and private partnership to look at changing the way we do business in truck licensing and regulation. The result is our proposal for a One Stop Shop, to consolidate the trucking activities of three agencies into the Department of Motor Vehicles.

We all recognize the great opportunities that information technology presents for improving government efficiency and worker productivity. We propose the creation of an info tech fund to help us take better advantage of those opportunities.

When it comes to unfunded and underfunded mandates, Nebraskans have successfully challenged the status quo. I'm pleased such mandates are becoming a past form of conducting government business.

Nebraska's leadership in the fight against unfunded and underfunded mandates has paid off on the national level - Congress passed and the President signed unfunded mandates legislation. Just recently, the Senate unanimously approved reforms to the Safe Drinking Water Act - reforms that remove many costly and unnecessary testing requirements placed on Nebraska communities.

At the state level, an executive order I signed requires state agencies to stop imposing mandates on local governments. My Local Control Taxpayer Relief Act goes even further, making additional state unfunded mandates illegal.

The Nebraska Mandate Initiative, which I began in 1994, continues to help communities more effectively manage existing federal and state mandates. Through this partnership, state government helps local governments prioritize environmental issues based on risk so they can spend their resources wisely.

We continue to face challenges in dealing with low-level nuclear waste disposal. While the search for a solution continues, we must do all we can to protect Nebraska from potential unfair liability in that area.

We face one of our greatest challenges in the area of crime. This past summer, every Nebraskan was touched by the tragic death of Omaha Police Officer Jimmy Wilson Jr. As we mourned the loss of this young Nebraskan, we also continued to be outraged by the increasing level of violence in our state.

We have discovered a shortcoming in our state's definition of the aggravating circumstances considered for imposition of the death penalty. I am proposing legislation that will make it clear that the murder of a law enforcement officer while in the performance of his or her duties is an aggravating circumstance under which the death penalty may be imposed.

Our aggressive strategies to strengthen laws and lengthen stays are putting more dangerous criminals behind bars and keeping them there for longer periods of time. But that has led to another challenge - overcrowding in the state correctional system has reached the crisis point.

If we fail to deal with this overcrowding problem today, the courts will intervene and tell us what we have to do. The result will be a solution that may not fit Nebraska's needs, a solution that will almost certainly cost taxpayers more. For the good of the state, we must control our own destiny in this area.

Three initiatives will help reduce the overcrowding problem. First, we recommend the construction of modular housing at the State Penitentiary to provide an additional 300 beds. This approach is appropriate for our needs. It is much less costly than building a new prison, and it addresses the problem quickly.

Second, we will seek additional funding to proceed with the development of the secure youth confinement facility in Omaha.

The third initiative is the development of a prison work camp. This is more than a military-style boot camp that simply whips offenders into physical shape and returns them to society. This is a tightly-structured prison work camp.

I will also support legislation to amend the statutory definition of second-degree murder to include malice as an element.

The Nebraska Supreme Court is expected to rule soon on key issues in the important area of drunk driving enforcement. I am prepared to

have emergency legislation introduced, if necessary, to preserve our existing DWI enforcement tools.

I will continue my efforts to provide greater accountability for decisions made by the Parole Board.

And I will support legislation to expand the state's authority in cases of individuals committed to public mental health facilities who walk away without authorization.

New crime statistics have given us some positive news - adult crime and arrests are stable or declining in Nebraska. But figures for youth violence, gang activity and drug involvement continue to climb.

Some would have us believe that the only way to fight crime is to lock up offenders and throw away the key. But this issue does not need demagogues - it needs leaders.

There are no quick fixes. Legislation alone cannot curb this increase. It will require personal involvement and community action.

We will continue our efforts to strengthen families and communities through Good Beginnings, the Family Preservation Project, Partners in Planning and PACT - Pulling America's Communities Together.

We will support training in youth violence prevention, the expansion of early intervention programs and the creation of a Juvenile Service Center to better screen and place young offenders.

We will develop a state directory of services for families and an information system that will allow agencies to SHARE information to better meet the needs of families.

Another important measure to strengthen and support families is "Kids First," pending legislation to revoke the professional and drivers' licenses of those who fail to pay child support. We want to emphasize the responsibility that parents have to their children, by bringing this proposal full circle to include the enforcement of visitation rights.

As we look at the future of our children, we must wonder what kind of world we will leave them. We recognized long ago that our natural resources are limited. The environmental challenges we face give us the opportunity to find responsible solutions to our problems, solutions that will outlive us, solutions that assure those resources will be available for future generations.

Water is Nebraska's gold. We must do all we can to protect it. And we must not surrender our water rights to other states. At the same time, we must continue to work with our neighboring states to avoid

the possibility of unnecessary and costly litigation and unworkable court decisions that defy common sense.

With regard to water legislation, we must continue to search for a balance among urban, agricultural, recreational and environmental interests, to focus on what is best for all Nebraskans. And it is essential that we emphasize local control instead of relying on the state to dictate what must be done.

The challenges we have faced in economic development have yielded some of the most tangible opportunities for Nebraska. We've established the Rural Development Commission and Enterprise Zones. Our overseas trade missions are paying big dividends for Nebraska businesses and agriculture.

Nebraska continues to have a low unemployment rate, but this can be a mixed blessing for employers needing to recruit workers. A 1995 survey of non-metropolitan communities revealed that 75 percent were experiencing worker shortages. It is essential that the state help local communities address this important issue. It's time to replace Nebraska's brain drain with a brain gain.

Our solution is "Work Nebraska," a coordinated employee recruitment effort in the Department of Economic Development. It has four components: a system to link the unemployed and underemployed to job opportunities; a program to help communities recruit employees; an employment conditions survey to help determine employment changes and jobs that need to be filled; and a system to direct workers to jobs requiring their skills or to appropriate training programs.

Since its passage last year, the Nebraska Partnerships for Economic Development Act has generated a great deal of interest. The Act made $500,000 available over two years for economic development projects that serve more than a single community. Because of the tremendous response from applicants and the volume of worthy projects, we are seeking an additional $250,000 for the next fiscal year to expand the effort. We also plan to add a new component - the Nebraska Cooperative Initiative. The additional money will allow us to target value-added agricultural cooperative projects throughout Nebraska.

An important and growing component of our economic development effort is tourism, the third largest industry in our state. I am calling for an increase in spending authority from existing state lodging tax funds to begin implementing our strategic plan for tourism. I am also calling for an appropriation to continue the Nebraska Film Office, to allow us to build on the $17 million film production companies have spent in Nebraska since 1991.

It's clear that we face many challenges and many uncertainties. We must rebuild the cash reserve fund and continue to exercise fiscal restraint. We must find a way to provide Nebraskans with true property tax relief and a personal income tax cut. We can do both, and we need to do both.

We must continue our streamlining and efficiency efforts. We must find new tools in our fight against crime and youth violence. We must continue our progress in the fields of education, economic development and the environment.

We have proven that challenges can be positive and bring out the best in each of us. Working together, we can continue to defy the status quo and turn these challenges into opportunities for positive change for all Nebraskans.

I challenge you to take advantage of these opportunities. We cannot afford to lose them to political games, partisanship or pessimism.

We recognize and appreciate the great diversity of Nebraska. It's what makes us strong. And we must not allow it to divide us. We are still One Nebraska, and we must strive to do what is in the best interests of all.

There are those who think that elected officials can't do what needs to be done, can't set aside partisan differences for the common good and can't come together to do what's right for the people. I tell them to look at Nebraska. We've done it before. Working together, we'll do it again. We'll seize opportunity from challenge.

The Committee escorted Governor Ben Nelson from the Chamber.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Adopt Rules

The Rules Committee pending proposed rules change, found in the Journal on pages 266, 267, and 268 and considered on pages 348, 362, 365, and in this day's Journal, to Rule 1, C. new section 17, Rule 3, Section 12(b), Rule 5, Section 5(h), Rule 6, Section 3(b), and Rule 7, Section 3(a), was renewed.

Mr. Maurstad asked unanimous consent to replace his pending amendment, found in the Journal on page 356, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment to the Rules Committee proposed rules change, found in the Journal on page 356.

Messrs. Robinson, Pedersen, Landis, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad offered the following substitute amendment to the Rules Committee proposed rules change:

Amend Proposed Rule Change #6, Sec. 17(a)

by inserting after shall be in the last sentence . . .

"limited to bills or resolutions previously designated as a senator priority . . . ."

and strike the second sentence of 17(a) which reads "The designation of a bill or resolution as a major proposal shall be made by the Speaker no later than the 20th legislative day."

The Maurstad amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Mr. Chambers offered the following amendment to the Rules Committee proposed rules change:

Amend Proposal #6

In paragraph (a), in the last sentence, after "approved", insert "unanimously"

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

Mr. Chambers asked unanimous consent to replace his pending amendment with a substitute amendment.

Mr. Beutler objected.

Mmes. Pirsch, Bohlke, Messrs. Hilgert, Klein, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

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

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Rules Committee proposed rules change:

Amend Proposal #6

In paragraph (a) in the last sentence, after "approved by", insert "a vote of two-thirds of"

Messrs. Vrtiska, Lynch, Abboud, and Janssen 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 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment was adopted with 28 ayes, 3 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Will moved to bracket the motion to adopt the permanent rules until January 16, 1996.

Mr. Will withdrew his motion to bracket.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 297. Introduced by Warner, 25; Bohlke, 33; Wickersham, 49; Beutler, 28; Wesely, 26; Coordsen, 32; Robinson, 16; Will, 8; Withem, 14; Hartnett, 45; Schellpeper, 18; Kristensen, 37; Lindsay, 9.

WHEREAS, the issue of property tax relief has been in the forefront of the work of the Legislature for many years; and

WHEREAS, many other states have had to deal with the issue of property tax after the passage of initiative petitions forced changes upon them for which they were ill-prepared; and

WHEREAS, there are currently being circulated one or more petitions in Nebraska which will impose restrictions on, or even eliminate, property taxes as a source of revenue for government services; and

WHEREAS, the Legislature voted 38 to 0 to permit introduction of LR93CA, which would place a constitutional cap on property tax levies for individual political subdivisions and prohibit more than twenty percent of all property taxes based on current figures from being levied; and

WHEREAS, passage of LR93CA or an initiative petition will result in a need to substantially restructure the provision and financing of public services in Nebraska; and

WHEREAS, although legislative resolutions are not binding, resolving the property tax issue is so complex and diverse that it is critical that the Legislature set the tone and direction of the 1996

legislative session early, so that any necessary changes can be fully debated.

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

Introduction

1. It is a goal of the Legislature to pass legislation in 1996 which will restructure public services and the financing of public services through (a) cooperation and consolidation, (b) taxpayer accountability, (c) levy caps, (d) unification of service responsibility, (e) equalized aid, and (f) fiscal responsibility. Failure to meet the goals expressed in this resolution will diminish the possibility of effectively addressing the property tax problem through levy caps.

Cooperation and Consolidation

2. It is a goal of the Legislature to pass legislation in 1996 which will cause greater cooperation among political subdivisions and unification of service delivery to deliver essential public services effectively. Consistent with this goal would be (a) legislation to allow limited property tax levy authority, local sales tax authority, or other local tax authority only if the revenue is used to finance a joint city/county, multicounty, multicity, or other combined effort, (b) legislation to encourage reorganization of schools, (c) legislation to facilitate mergers of political subdivisions, (d) legislation to encourage joint officeholding, and (e) legislation for joint service responsibility.

Taxpayer Accountability

3. It is the goal of the Legislature to pass legislation in 1996 which will more fully inform taxpayers of the amount and purposes of any taxes which are collected. Included among these proposals will be legislation to (a) require local governments to pass property tax levies by ordinance or resolution rather than having them calculated at the end of the budget-setting process and (b) provide a procedure by which the budgets and levies of miscellaneous districts may be reviewed and approved by county boards or some other agency before any taxes are levied by these districts. It is the goal of the Legislature to pass legislation in 1996 which will give county boards or some other entity control over the levies of miscellaneous districts to assure that they can be accommodated within an overall limit. It is also the goal of the Legislature to achieve uniform and professional valuation of property statewide so that the property tax is levied as uniformly and fairly as possible.

Levy Caps

4. It is the goal of the Legislature to pass legislation in 1996 which will phase in overall levy caps to be effective in stages in future years. The amount of restructuring, cooperation, and prioritizing which is necessary to accommodate such caps and still provide effective public services such as law enforcement, prosecution and defense, corrections, and health care, demands that the Legislature act with deliberation and foresight. So that property tax relief is not lost to local initiatives, it is the goal of the Legislature to pass legislation in 1996 which assures

that increased state obligations due to restructuring or increased state aid are reflected in lower property taxes. Consistent with this goal would be legislation which provides for an expenditure cap for local governments which is less than the historic rate of growth of revenue for each political subdivision. Also consistent with this goal would be legislation which would create a commission to review proposals for new or expended public facilities financed through bond issues which will be empowered to disapprove such proposals if the entity cannot demonstrate the need for new construction consistent with the efficient and multiple use of public facilities. Ultimately, it is the goal of the Legislature to achieve viable levy caps at no more than two dollars per one hundred dollars of valuation.

Unification of Responsibility

5. It is the goal of the Legislature to pass legislation in 1996 which will restructure the financing of local services to eliminate, to the greatest extent possible, overlapping jurisdiction and financing using general state aid so that clear responsibilities for the provision of services are established and financed from a single source. Property taxes are to be reduced through unification of delivery and other changes to increase efficiency and by transferring responsibility for financing these services away from entities supported by the property tax. Consistent with this goal would be (a) total state financing of social services such as medically indigent, developmental disabilities, and alcoholism and substance abuse services, (b) the repeal of statutes requiring that counties levy taxes for "general assistance", and (c) payment to the Department of Public Institutions of a portion of the costs of institutional care for county residents. Consistent with this goal would be the total state funding of court costs and the elimination of county funding for clerks of the district court, juries, and other clerical costs. Also consistent with these goals would be the elimination of levy authority for townships, reclamation districts, drainage districts, water conservation districts, county superintendents of schools, and educational service units.

Equalized State Aid

6. Any state aid which is made available for local government must be provided in an equalized manner to recognize differences in the ability of local governments to finance similar packages of services. Consistent with meeting this goal would be legislation which maximizes the amount of state aid which is provided to local governments in an equalized manner and to minimize distributions of state aid which are made per capita or through some other nonequalized manner.

Fiscal Responsibility

7. Although it is not the goal of the Legislature to pass legislation to hold any political subdivision harmless for loss of revenue due to the imposition of levy caps, it is the goal of the Legislature to accommodate the loss of revenue using local savings through efficiency and unification, local taxes conditioned on joint provision of services, and actual decreases in local services. It is also the goal of the

Legislature to limit appropriations for state operations to less than the historic growth rate of state revenue plus expected reductions in federal funds. Any need for state revenue due to increased service or funding responsibility is to be met first through actual reductions in state services, second by dedicating revenue in excess of the state appropriations limit, and third through fee revenue when appropriate. General tax increases are to be the last resort.

Conclusion

8. The issue of property tax relief cannot be separated from the issue of providing public services which are needed by the citizens of Nebraska. Any long-term, conscientious solution to the problem of excessive property taxes must examine issues of government consolidation and cooperation, accountability to taxpayers, a proper matching of services, tax sources, and program control, limitations on spending in general and the use of property tax in particular, and proper targeting of our aid programs. Achieving lasting and substantial property tax reduction will require thoughtful, deliberate, and continuous effort over a number of years. It is the goal of the Legislature to undertake this effort beginning with the passage of this resolution and ending some years in the future.

Laid over.

LEGISLATIVE RESOLUTION 298. Introduced by Schrock, 38; Elmer, 44; Cudaback, 36; Jones, 43; Kristensen, 37.

WHEREAS, author Norm Crampton in his new book, "The 100 Best Small Towns in America," ranked the city of Holdrege, Nebraska, thirty-eighth out of the one hundred best small towns in America; and

WHEREAS, towns having a population of between five thousand and fifteen thousand inhabitants were eligible for such an honor, but Holdrege was the only town in Nebraska that made the top one hundred towns list; and

WHEREAS, Holdrege is a progressive community whose citizens maintain a strong community spirit and encourage a good mix of industry and agriculture for its economy.

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

1. That the Legislature applauds the city of Holdrege, Nebraska, and its citizens for the recognition they received.

2. That copies of this resolution be furnished to the mayor and city council of Holdrege, Nebraska.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1162 through 1179.

LB	Committee
1162	Urban Affairs
1163	Urban Affairs
1164	Government, Military and Veterans Affairs
1165	Urban Affairs
1166	Revenue
1167	Business and Labor
1168	Judiciary
1169	Education
1170	Urban Affairs
1171	Judiciary
1172	Government, Military and Veterans Affairs
1173	Revenue
1174	Agriculture
1175	Transportation
1176	Revenue
1177	Revenue
1178	Education
1179	Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1186. Introduced by Hartnett, 45; Chambers, 11; Hilgert, 7; Lynch, 13; Preister, 5.

A BILL FOR AN ACT relating to cities, counties, and other political subdivisions; to amend section 13-2110, Revised Statutes Supplement, 1994; to change powers and duties relating to enterprise zone associations; and to repeal the original section.

LEGISLATIVE BILL 1187. Introduced by Hartnett, 45; Avery, 3; Withem, 14.

A BILL FOR AN ACT relating to mental illness; to amend section 83-306, Reissue Revised Statutes of Nebraska; to change provisions relating to responsibility for certain costs of commitment; and to repeal the original section.

LEGISLATIVE BILL 1188. Introduced by Matzke, 47; Jensen, 20; Klein, 19; Pirsch, 10; Schimek, 27; Wesely, 26; Wickersham, 49.

A BILL FOR AN ACT relating to health care; to adopt the Nonprofit Hospital Sale Act; and to declare an emergency.

LEGISLATIVE BILL 1189. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 90-511, Revised Statutes Supplement, 1995; Laws 1995, LB 325A, sections 56 and 57; Laws 1995, LB 389, sections 7 and 8; Laws 1995, LB 391, sections 17, 19, 24, 25, 26, 27, 28, 41, 42, 55, and 59; Laws 1995, LB 392, sections 17, 18, 19, 48, 49, 51, 54, 55, 90, 98, 100, 103, 104, 105, 106, 108, 145, 146, 147, 156, 178, 182, 184, 193, 196, 200, 201, 210, 215, 232, 238, 240, 249, 252, 253, 254, 255, and 256; Laws 1995, LB 394, section 18; and Laws 1995, LB 646A, 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 to declare an emergency.

LEGISLATIVE BILL 1190. Introduced by Withem, 14; Wehrbein, 2, at the request of the Governor.

A BILL FOR AN ACT relating to state government; to amend section 77-2602, Revised Statutes Supplement, 1994; to state intent relating to information technology; to create a program and a fund; to provide powers and duties; to provide for allocation of funds; to provide a termination date; to change the distribution of cigarette tax revenue; to provide an operative date; to provide severability; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1191. Introduced by Speaker Withem, 14, at the request of the Governor.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1513, Revised Statutes Supplement, 1995; to provide for transfers from the Department of Motor Vehicles Cash Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1192. Introduced by Withem, 14; Bohlke, 33; Bromm, 23; Coordsen, 32; McKenzie, 34; Warner, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid as prescribed.

LEGISLATIVE BILL 1193. Introduced by Janssen, 15; Lynch, 13; Schmitt, 41.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-1831, Reissue Revised Statutes of Nebraska; to change provisions relating to civil service; and to repeal the original section.

LEGISLATIVE BILL 1194. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Commission for the Hearing Impaired; to amend sections 71-4721, 71-4724, and 71-4725, Reissue Revised Statutes of Nebraska, and sections 71-4720, 71-4728, 71-4728.01, 71-4728.02, 71-4728.03, and 71-4729, Revised Statutes Supplement, 1995; to change membership provisions; to change powers and duties; to change references to hearing-impaired persons; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1195. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2901, 25-2908, 25-2911, 25-2913, 25-2916, and 43-274 to 43-276, Reissue Revised Statutes of Nebraska, and sections 43-286 and 43-287, Revised Statutes Supplement, 1994; to provide duties for the Office of Dispute Resolution; to provide mediator qualification requirements; to state intent; to provide for mediation as a juvenile code prosecution and disposition alternative; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-4102, Reissue Revised Statutes of Nebraska, sections 77-4103 and 77-4104, Revised Statutes Supplement, 1994, and section 77-2734.02, Revised Statutes Supplement, 1995; to change corporate income tax rates; to change provisions relating to applications for incentives under the Employment and Investment Growth Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1197. Introduced by Lindsay, 9.

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

LEGISLATIVE BILL 1198. Introduced by Lindsay, 9.

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

LEGISLATIVE BILL 1199. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-245, 43-247, and 43-254, Reissue Revised Statutes of Nebraska, 1943, and sections 43-286, 43-287, 43-289, 43-2,129, 83-925.06, 83-925.07, and 83-925.10, Revised Statutes Supplement, 1994; to change the jurisdictional age of individuals under the Nebraska Juvenile Code; to provide for placement in a secure youth confinement facility; to provide for a dispositional hearing; to provide duties for the Department of Correctional Services; to provide for commitment up to twenty-six years of age for certain juveniles; to harmonize provisions; to change age of majority provisions; and to repeal the original sections.

LEGISLATIVE BILL 1200. Introduced by Hartnett, 45; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend section 79-2203, Reissue Revised Statutes of Nebraska; to change membership requirements for governing boards of educational service units; and to repeal the original section.

LEGISLATIVE BILL 1201. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-1578, 81-1581, 81-1584.01, 81-15,101, 81-15,102, and 81-15,105.01, Reissue Revised Statutes of Nebraska, section 71-3508.02, Revised Statutes Supplement, 1994, and section 71-3503, Revised Statutes Supplement, 1995; to define and redefine terms; to change provisions relating to facilities and facility operators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1202. Introduced by Schrock, 38; Coordsen, 32; Elmer, 44; Jones, 43; Kristensen, 37; Vrtiska, 1.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-925.01, Revised Statutes Supplement, 1994; to change and eliminate a provision relating to sewerage system funds; and to repeal the original section.

LEGISLATIVE BILL 1203. Introduced by Landis, 46.

A BILL FOR AN ACT relating to accountants; to amend section 1-162.01, Revised Statutes Supplement, 1994; to change provisions relating to qualifications of lay owners of accounting practices; and to repeal the original section.

LEGISLATIVE BILL 1204. Introduced by Wickersham, 49; Jensen, 20; Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to provide for collection of property tax on exempt property at the time of sale or transfer.

LEGISLATIVE BILL 1205. Introduced by Bromm, 23; Bernard-Stevens, 42; Coordsen, 32; Elmer, 44; Hillman, 48; Hudkins, 21; Jensen, 20; Jones, 43; Kristensen, 37; Matzke, 47; Pirsch, 10; Schellpeper, 18; Schrock, 38; Stuhr, 24; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to educational lands; to amend sections 72-240.26, 72-258, and 72-259, Reissue Revised Statutes of Nebraska; to require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands; to require the sale of certain educational lands; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1206. Introduced by Wesely, 26; Avery, 3; Beutler, 28; Coordsen, 32; Crosby, 29; Cudaback, 36; Engel, 17; Hilgert, 7; Klein, 19; McKenzie, 34; Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-317, 28-318, 28-319, and 47-603, Reissue Revised Statutes of Nebraska; to adopt the Sexual Predator Act; to provide duties for the Department of Public Institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1207. Introduced by Avery, 3; Cudaback, 36; Hudkins, 21; Jones, 43; Pedersen, 39.

A BILL FOR AN ACT relating to sport shooting ranges; to define terms; to limit nuisance actions relating to noise; and to limit the applicability of certain municipal ordinances.

LEGISLATIVE BILL 1208. Introduced by Schrock, 38; Cudaback, 36.

A BILL FOR AN ACT relating to the Nebraska Apiary Act; to amend sections 81-2,165.01 and 81-2,177.01, Reissue Revised Statutes of Nebraska; to change provisions relating to registration of bee colonies; to provide for notification of pesticide applications; and to repeal the original sections.

LEGISLATIVE BILL 443A. 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 443, Ninety-fourth Legislature, Second Session, 1996.

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 998	Thursday, January 18, 1996 (cancelled)	1:30 p.m.
LB 1002	Thursday, January 18, 1996	1:30 p.m.
LB 1141	Thursday, January 18, 1996	1:30 p.m.
LB 906	Friday, January 19, 1996	1:30 p.m.
LB 908	Friday, January 19, 1996	1:30 p.m.
LB 911	Friday, January 19, 1996	1:30 p.m.
LB 913	Friday, January 19, 1996	1:30 p.m.
LB 957	Friday, January 19, 1996	1:30 p.m.
LB 1125	Friday, January 19, 1996	1:30 p.m.
LB 927	Thursday, January 18, 1996 (cancelled)	1:30 p.m.
LB 927	Thursday, January 19, 1996 (reset)	1:30 p.m.

(Signed) John Lindsay, Chairperson

Revenue

LB 1121	Thursday, January 18, 1996	1:30 p.m.
LB 1122	Thursday, January 18, 1996	1:30 p.m.
LB 1087	Thursday, January 18, 1996	1:30 p.m.
LB 1041	Thursday, January 18, 1996	1:30 p.m.
LB 1010	Thursday, January 18, 1996	1:30 p.m.
LB 1082	Friday, January 19, 1996	1:30 p.m.
LB 1089	Friday, January 19, 1996	1:30 p.m.
LB 1003	Friday, January 19, 1996	1:30 p.m.
LB 1000	Friday, January 19, 1996	1:30 p.m.
LB 1063	Friday, January 19, 1996	1:30 p.m.

(Signed) George Coordsen, Chairperson

Banking, Commerce and Insurance

LB 941	Monday, January 22, 1996	1:30 p.m.
LB 1008	Monday, January 22, 1996	1:30 p.m.
LB 1033	Monday, January 22, 1996	1:30 p.m.
LB 1053	Monday, January 22, 1996	1:30 p.m.

(Signed) David Landis, Chairperson

Transportation

LB 916	Monday, January 22, 1996	1:30 p.m.
LB 938	Monday, January 22, 1996	1:30 p.m.
LB 1065	Monday, January 22, 1996	1:30 p.m.
LB 1073	Monday, January 22, 1996	1:30 p.m.
LB 1035	Tuesday, January 23, 1996	1:30 p.m.
LB 953	Tuesday, January 23, 1996	1:30 p.m.
LB 901	Tuesday, January 23, 1996	1:30 p.m.
LB 920	Tuesday, January 23, 1996	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Avery asked unanimous consent to print the following amendment to LB 642 in the Journal. No objections. So ordered.

AM2764

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) On October 1, 1996, six full-time employees shall be added to the State Foster Care Review Board for the purpose of ensuring that all children in foster care in the Omaha and North Platte areas receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) On October 1, 1996, six full-time employees from the permanency plan review unit of the Department of Social Services or six full-time equivalent employees of the department at or above pay grade 252, whichever is a greater reduction of personnel, shall be eliminated and the department shall transfer all federal matching funds obtained from the six-month case reviews conducted by the state board in the Omaha and North Platte areas under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

Sec. 2. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local

board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3) The state board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the manner in which the state board carries out such duties. It is the intent of the Legislature that beginning October 1, 1996, the state board shall have the exclusive right and responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, in the Omaha and North Platte areas.

(4) It is also the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(5) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(6) Between August 1, 1997, and January 1, 1998, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by the Legislative Program Evaluation Committee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of their case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

(7) On or before January 1, 1998, the Legislative Program

Evaluation Committee shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section.

(8) On January 1, 1998, four full-time employees shall be added to the state board to ensure that all children in foster care in the remaining areas of the state receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(9) On January 1, 1998, the permanency plan review unit of the Department of Social Services shall be eliminated and the department shall transfer all federal funds obtained under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, for such six-month case reviews of state wards to the state board. Four full-time equivalent employees of the department at or above pay grade 252 shall be eliminated on such date.

Sec. 3. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 10, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Julia Plucker Schwartz - Omaha	Services for Children, Inc.
MacLean, Chauncey - Lincoln	Nebraska Nursery & Landscape Association
McClurg, Lori - Lincoln	City of Lincoln
Mueller, William J./Ruth & Mueller Law Firm	
Mueller, William J. - Lincoln	First Commerce Bancshares, Inc.
Peters, William E. - Lincoln	Railway Progress Institute
Ruth, Larry L./Ruth & Mueller Law Firm	
Ruth, Larry L. - Lincoln	First Commerce Bancshares, Inc.
Skochdopole, R. A. - Omaha	Association of Independent Colleges & Universities of Nebraska (AICUN)
	Bergan Mercy Medical Center
	Douglas Racing Corporation
	GTECH Corporation
	National Association of Independent Insurers
	Nebraska Credit Union League, Inc.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LR 293CA. No objections. So ordered.

Ms. Schimek, Mmes. Brown, Hillman, Messrs. Schrock, Robinson, Lynch, and Vrtiska asked unanimous consent to have their names added as cointroducers to LB 1082. No objections. So ordered.

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 909 and 1044. No objections. So ordered.

MOTION - Reconsider Action

Mr. Bernard-Stevens moved to reconsider the Bernard-Stevens amendment to proposed rule change #6 (strike Subsection C of Rule 17).

Laid over.

VISITORS

Visitors to the Chamber were Barbara Lawson from Nebraska, David Gragan from Indiana, David Ancell from Iowa, John Houlihan from Kansas, George Boersma from Michigan, John Haggerty and Richard Slivak from Minnesota, Jim Kapp from North Dakota, Roger Grime from Ohio, Joyce Murphy from Missouri, and Rachel Winter from New York; and Marnie Jensen from Blair.

On January 10, 1996, visitor to the Chamber was Dr. James Moeser, University of Nebraska-Lincoln Chancellor.

ADJOURNMENT

At 12:43 p.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, January 16, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTH DAY - JANUARY 16, 1996

LEGISLATIVE JOURNAL

EIGHTH DAY - JANUARY 16, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 16, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Dr. Arron Black Sr., First Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Dierks, Wickersham, and Will who were excused; and Messrs. Bromm, Elmer, Kristensen, Landis, and Lindsay who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 381, line 31, insert "State Electrical Board" before Theodore Stutheit.
The Journal for the seventh day was approved as corrected.

MOTION - Adopt Temporary Rules

Mr. Maurstad moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 16, 1996.

The motion prevailed.

MESSAGE FROM THE GOVERNOR

January 11, 1996

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 Tax Equalization and Review Commission.

APPOINTEES:
Robert L. Hans, 7200 Old Post Road, Unit 10, Lincoln, NE 68506
Janet L. Edwards, 605 Sheridan Street, St. Paul, NE 68873
Mark P. Reynolds, 2102 Franklin Drive, Papillion, NE 68133

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

RESOLUTION

LEGISLATIVE RESOLUTION 297. Read. Considered.

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

Mr. Jones offered the following amendment:
AM2780
1. In RESOLVED paragraph number 5, on page 5, after "elimination" insert "or reduction".

The Jones amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Beutler offered the following amendment:
AM2778
1. On page 1, in the fifth WHEREAS paragraph, after "petition" insert "or enactment of a statutory cap on property tax levies".
2. On pages 2, 3, and 4, in the RESOLVED paragraphs numbered 2, 3, 4, and 5, after the first "1996" insert "and in the ensuing years".
3. On page 3, in the RESOLVED paragraph number 4, in the third line after "years" insert "in accordance with the minimum levy cap reductions in the following table" and after the period insert the following table:

SCHEDULE OF LEVY CAP REDUCTIONS

Political Subdivision Fiscal Year	Levy Maximum per $100 of Assessed Valuation
1997-98	$2.45
1998-99	2.40
1999-2000	2.35
2000-01	2.30
2001-02	2.25
2002-03	2.20
2003-04	2.15
2004-05	2.10
2005-06	2.05
2006-07	2.00".

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

Pending.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 972	Tuesday, January 23, 1996	1:30 p.m.
LB 973	Tuesday, January 23, 1996	1:30 p.m.
LB 1028	Tuesday, January 23, 1996	1:30 p.m.
LB 1146	Tuesday, January 23, 1996	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 1209. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to child support; to amend section 42-358.02, Reissue Revised Statutes of Nebraska; to change provisions relating to interest on delinquent payments; and to repeal the original section.

LEGISLATIVE BILL 1210. Introduced by Schellpeper, 18; Bromm, 23; Coordsen, 32; Dierks, 40; Matzke, 47; Maurstad, 30; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5211, 71-5212, 71-5213, 71-5652, 71-5653, 71-5654, 71-5662, 71-5664, 71-5665, 71-5666, 71-5667, 71-5668, and 71-5669, Revised Statutes Supplement, 1994, and section 71-5661, Revised Statutes Supplement, 1995; to

redefine terms; to change provisions regarding loans and loan repayment; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1211. Introduced by Robak, 22.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1738 and 18-1738.01, Revised Statutes Supplement, 1995; to change provisions relating to the issuance of parking permits for handicapped or disabled persons; and to repeal the original sections.

LEGISLATIVE BILL 1212. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1995; to change provisions relating to the experience account; and to repeal the original section.

LEGISLATIVE BILL 1213. Introduced by Pirsch, 10; Brown, 6; Hudkins, 21; Robak, 22; Schimek, 27; Witek, 31.

A BILL FOR AN ACT relating to law enforcement agencies; to provide for payment of forensic medical examinations of victims of sexual assault; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1214. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 23-3304, Reissue Revised Statutes of Nebraska; to provide for contracting with the county superintendent; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1215. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-2202.02 and 79-2203, Reissue Revised Statutes of Nebraska; to change provisions relating to opting out of an educational service unit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1216. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to insurance; to prohibit requests for or use of genetic testing as prescribed.

LEGISLATIVE BILL 1217. Introduced by Warner, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the Employment and Incentive Act; to amend section 77-4104, Revised Statutes Supplement, 1995; to

change the application for agreement with the Tax Commissioner; to provide duties for the department; and to repeal the original section.

LEGISLATIVE BILL 1218. Introduced by Kristensen, 37; Avery, 3, at the request of the Governor.

A BILL FOR AN ACT relating to motor carriers; to amend sections 60-305.11, 60-305.12, 60-305.15, 60-305.16, 66-1401, 66-1402, 66-1404, 66-1405, 66-1407 to 66-1413, 66-1415, 75-351, 75-355, and 75-368, Reissue Revised Statutes of Nebraska, sections 60-106, 60-1303, 60-1306, 66-4,114, 66-738, 66-1403, 75-110, 75-349, 75-350, 75-352 to 75-354, 75-369.02, and 75-369.03, Revised Statutes Supplement, 1994, and sections 60-305.09, 60-305.14, 66-491, 66-712, 66-727, 66-1414, 75-114 to 75-116, 75-156, 75-301, 75-302, 75-305, 75-306, 75-307.03, 75-348, 75-358, 75-370, and 75-371, Revised Statutes Supplement, 1995; to create the Division of Motor Carrier Services of the Department of Motor Vehicles; to transfer certain powers and duties of the Department of Revenue and the Public Service Commission to the division; to create an advisory council; to provide powers and duties; to rename the Interstate Motor Carriers Base State Fuel Tax Compact Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1219. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to provide for certain costs; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1220. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Reissue Revised Statutes of Nebraska; to create the offense of unlawful possession of a firearm on public grounds; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1221. Introduced by Schimek, 27; Bohlke, 33.

A BILL FOR AN ACT relating to charitable solicitation; to adopt the Charitable Solicitation Registration Act; to provide penalties; to provide severability; to eliminate provisions relating to solicitation of funds; and to outright repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1222. Introduced by Cudaback, 36; Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to require state funding of 4-H and FFA programs at the Nebraska State Fair.

LEGISLATIVE BILL 1223. Introduced by Jones, 43.

A BILL FOR AN ACT relating to state administrative departments; to amend sections 57-705, 58-221, 70-1003, 81-161, 81-1108.55, 81-1201.04, 81-1316, 81-1601, 81-1602, 81-1603, 81-1605, 81-1606, 81-1607, 81-1607.01, 81-1609, 81-1610, 81-1611, 81-1612, 81-1613, 81-1617, 81-1620, 81-1623, 81-1625, 81-1636, 81-1637, 81-1638, 81-1640, 81-1641, and 84-166, Reissue Revised Statutes of Nebraska, sections 13-1205, 19-4618.02, 66-1004, 66-1009, and 66-1337, Revised Statutes Supplement, 1994, and sections 81-1634 and 81-1635, Revised Statutes Supplement, 1995; to place the State Energy Office under the Department of Administrative Services; to eliminate the position of Director of the State Energy Office; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-1632 and 81-1633, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1224. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to the Low-Level Radioactive Waste Disposal Act; to amend section 81-1578, Reissue Revised Statutes of Nebraska; to provide for transfer of certain real estate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1225. Introduced by Withem, 14.

A BILL FOR AN ACT relating to redistricting; to state intent; to provide powers and duties for the Legislature and the Committee on Government, Military and Veterans Affairs of the Legislature; and to provide requirements for district boundaries.

RESOLUTION

LEGISLATIVE RESOLUTION 299CA. Introduced by Stuhr, 24; Bernard-Stevens, 42; Beutler, 28; Janssen, 15; Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 1:

VII-1 "Until August 31, 1998, the ~~The~~ Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years. The Legislature may

provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.

On and after August 31, 1998, the Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and nineteen years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof.".

Sec. 2. 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 on and after August 31, 1998, the maximum age of a person for whom the Legislature shall provide for free instruction in the common schools shall change from twenty-one years to nineteen years.

For

Against".

Referred to the Reference Committee.

MESSAGE FROM THE GOVERNOR

January 16, 1996

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 Director of the Department of Social Services.

APPOINTEE: Donald S. Leuenberger, 3315 South 95 Street, Omaha, NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

RESOLUTION

LEGISLATIVE RESOLUTION 297. The Beutler pending amendment, AM2778, found in this day's Journal, was renewed.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bernard-Stevens	Brown	Matzke	Pirsch	Wesely
Beutler	Crosby	Maurstad	Preister	Witek
	Lynch	Pedersen	Schimek	Withem

Voting in the negative, 24:

Bohlke	Fisher	Jensen	McKenzie	Stuhr
Brashear	Hartnett	Klein	Robak	Vrtiska
Bromm	Hilgert	Kristensen	Robinson	Warner
Coordsen	Hillman	Landis	Schellpeper	Wehrbein
Engel	Hudkins	Lindsay	Schmitt	

Present and not voting, 7:

Avery	Cudaback	Janssen	Jones	Schrock
Chambers	Elmer			

Excused and not voting, 4:

Abboud	Dierks	Wickersham	Will

The Beutler amendment lost with 14 ayes, 24 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Chambers moved to bracket LR 297 until April 15, 1996.

Mr. Chambers withdrew his motion to bracket.

Mr. Beutler offered the following amendment:
AM2779

1. On page 4, at the end of the RESOLVED paragraph number 4 insert "Beginning with the 1997 legislative session, the Revenue Committee and Appropriations Committee of the Legislature,

acting jointly and in close consultation with all standing committees, shall report to the Legislature prior to the commencement of each of the next ten legislative sessions the following:

(a) A complete accounting of the problems encountered by the various political subdivisions affected by levy caps already in place; and

(b) Legislation designed to lower the cap in accordance with the schedule of levy cap reductions and specifically recommending the means by which the next cap increment reduction will be attained.

The joint committees in presenting the means of cap attainment to the Legislature shall prepare the following options for consideration by the Legislature in the event the Legislature wishes to alleviate the necessity of cutting services by political subdivisions.

Option 1 - Reduced State Spending

Option 1 shall assume that roughly equivalent replacement revenue will be provided to the political subdivisions solely by the mechanism of decreasing funding for existing state programs and transfer of the savings political subdivisions through state aid funds or by switching locally funded programs to state-funded programs. The option shall specifically identify the state programs recommended by the joint committees to be reduced or eliminated and the specific programs recommended to be transferred to the state if such transfers are a part of the option.

Option 2 - Increased Taxation

Option 2 shall assume that roughly equivalent replacement revenue will be provided to the political subdivisions solely by the mechanisms of increased taxation at the state level and transfer to the political subdivisions through state aid funds or by switching locally funded programs to state-funded programs. The option shall specifically identify the taxes recommended by the joint committees to be increased, expanded, or created and the specific programs recommended to be transferred to the state if such transfers are a part of the option.

Option 3 - Joint Committee Recommended Plan

If either Option 1 or 2 is not the joint committee's recommended plan, the joint committee shall recommend an additional option combining the premises of Options 1 and 2 incorporating the alternative of not providing any or all of the equivalent replacement fund including delivery restructuring proposition. Option 3 shall be the join committee's recommended plan.".

Mr. Beutler withdrew his amendment.

MR. LINDSAY PRESIDING

Mr. Withem offered the following amendment:

FA389

Amend the last Resolve, paragraph 7, to strike "general tax increases are to be the last resort." and insert in its place, "However, the magnitude of the property tax problem is so great, there can be no resolution to the issue without raising sales and income tax rates, broadening existing tax bases, or both"

Mr. Withem moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers raised a point of order on whether the introducer of an amendment must support the amendment.

The Chair ruled that Rule 5, Sec. 4 does not apply to amendments.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Mr. Chambers requested the roll call vote be taken in reverse order.

Voting in the affirmative, 20:

Bernard-Stevens	Brown	Fisher	Matzke	Schmitt
Beutler	Chambers	Hartnett	McKenzie	Schrock
Brashear	Coordsen	Hudkins	Robak	Wesely
Bromm	Elmer	Klein	Schellpeper	Witek

Voting in the negative, 24:

Avery	Hilgert	Kristensen	Pirsch	Vrtiska
Bohlke	Hillman	Landis	Preister	Warner
Crosby	Janssen	Lindsay	Robinson	Wehrbein
Cudaback	Jensen	Lynch	Schimek	Withem
Engel	Jones	Pedersen	Stuhr	

Present and not voting, 1:

Maurstad

Excused and not voting, 4:

Abboud	Dierks	Wickersham	Will

The Chambers motion to overrule the Chair lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Mr. Withem requested a roll call vote on his pending amendment, FA389.

Voting in the affirmative, 4:

Bernard-Stevens	Landis	Lynch	Schimek

Voting in the negative, 33:

Avery	Cudaback	Janssen	McKenzie	Schmitt
Bohlke	Engel	Jensen	Pedersen	Vrtiska
Brashear	Fisher	Jones	Pirsch	Warner
Bromm	Hartnett	Klein	Robak	Wehrbein
Brown	Hilgert	Kristensen	Robinson	Witek
Coordsen	Hillman	Lindsay	Schellpeper	Withem
Crosby	Hudkins	Matzke		

Present and not voting, 8:

Beutler	Elmer	Preister	Stuhr	Wesely
Chambers	Maurstad	Schrock		

Excused and not voting, 4:

Abboud	Dierks	Wickersham	Will

The Withem amendment lost with 4 ayes, 33 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

COMMUNICATIONS

January 12, 1996

Patrick O'Donnell
Clerk of the Legislature
Rm 2018, State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is requested for the following Housing Improvement projects to be funded by a Student Fees and Facilities revenue bond issue.

Residence Hall Elevator Renovations The University of Nebraska-Lincoln proposes to renovate 16 elevators and 7 City Campus high-rise residence halls. Each of these elevators is original equipment between 28-32 years old with increasing maintenance requirements. The project is estimated to cost $1,800,000.

Residence Hall Dishwasher Replacement. The University of Nebraska-Lincoln is proposing to replace dishwashers in three City Campus residence hall complexes. Each of the dishwashers is original equipment between 28-32 years old with increasing maintenance and utility requirements. The project is estimated to cost $570,000.

Residence Hall Asbestos Removal. The University of Nebraska-Lincoln is proposing to remove all remaining asbestos from City and East Campus residence halls. The proposal would remove asbestos ceiling, pipe insulation and water tank insulation in 34 buildings. The project is estimated to cost $250,000.

Residence Hall Computer Technology Improvements. The University of Nebraska-Lincoln is proposing to connect all 2,753 City and East Campus residence hall rooms to the campus computer network. The proposal would provide access to the campus-wide information system, Student Information System, and Internet resources. The project is estimated to cost $900,000.

Request. The University requests approval for these Housing Improvement projects totaling $3,520,000 to be financed through the issuance of a Student Fees and Facilities revenue bond.

The Board of Regents authorized these projects at its November 3, 1995 meeting. The Coordinating Commission for Postsecondary Education recommended these projects for approval on January 11, 1996.

Respectfully submitted,
(Signed) James B. Milliken
Vice President for External Affairs
and Corporation Secretary

January 16, 1996

Senator George Coordsen
Chair - Executive Board
2010 State Capitol Bldg.
Lincoln, NE 68509

Dear Senator Coordsen:

Enclosed is correspondence I received from Mr. James B. Milliken, Vice President for External Affairs and Corporation Sectary of the Board of Regents. The communication involves a resolution authorizing the use of a Student Fees and Facilities revenue bond for the following proposals: Renovation of 23 Residence Hall elevators, replacement of three Residence Hall dishwashers, removal of all remaining asbestos from residence halls, and connection of all residence hall rooms to the campus computer network.

I am forwarding this correspondence to you for reference to the appropriate standing committee.

With kind regards.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

LB 954	Wednesday, January 24, 1996	1:30 p.m.
LB 1153	Wednesday, January 24, 1996	1:30 p.m.
LB 961	Wednesday, January 24, 1996	1:30 p.m.
LB 1155	Wednesday, January 24, 1996	1:30 p.m.
LB 1156	Thursday, January 25, 1996	1:30 p.m.
LB 1079	Thursday, January 25, 1996	1:30 p.m.
LB 1132	Thursday, January 25, 1996	1:30 p.m.
LB 1078	Friday, January 26, 1996	1:30 p.m.
LB 1154	Friday, January 26, 1996	1:30 p.m.
LB 1081	Friday, January 26, 1996	1:30 p.m.
LB 1059	Wednesday, January 31, 1996	1:30 p.m.
LB 1031	Wednesday, January 31, 1996	1:30 p.m.

(Signed) Don Wesely, Chairperson

Agriculture

LB 1123	Tuesday, January 23, 1996	1:30 p.m.

(Signed) Jim Cudaback, Vice Chairperson

Urban Affairs

LB 1092	Tuesday, January 23, 1996	1:30 p.m.
LB 1163	Tuesday, January 23, 1996	1:30 p.m.
LB 1165	Tuesday, January 23, 1996	1:30 p.m.
LB 1170	Tuesday, January 23, 1996	1:30 p.m.
LB 1162	Tuesday, January 23, 1996	1:30 p.m.
LB 1159	Tuesday, January 23, 1996	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENTS

Mrs. Stuhr designates LB 943 as her priority bill.

Mr. Jones designates LB 1205 as his priority bill.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 414. Placed on Select File as amended.
(E & R amendment, AM7170, 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 414A. Placed on Select File as amended.
E & R amendment to LB 414A:
AM7171
1. On page 1, line 3, strike "First Session, 1995" and
insert "Second Session, 1996".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 62. Indefinitely postponed.
LEGISLATIVE BILL 211. Indefinitely postponed.
LEGISLATIVE BILL 628. Indefinitely postponed.
LEGISLATIVE BILL 650. Indefinitely postponed.
LEGISLATIVE BILL 720. Indefinitely postponed.
LEGISLATIVE BILL 870. Indefinitely postponed.

LEGISLATIVE RESOLUTION 25CA. Indefinitely postponed.

(Signed) Roger R. Wehrbein, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 532. Placed on General File as amended.
Standing Committee amendment to LB 532:
AM2766

1. Strike the original sections and insert the following new sections:

"Section 1. On or after July 1, 1996, any entity which offers any individual or group sickness and accident insurance policy, subscriber contract, health maintenance organization contract, or hospital, medical, or surgical expense-incurred policy which is delivered, issued for delivery, or renewed in this state shall include obstetricians/gynecologists as primary care physicians if they otherwise qualify as a primary care physician pursuant to the credentialing or recredentialing standards of that entity and they perform all of the functions of a primary care physician according to the terms and conditions of such entity's primary care physician contract.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) David Landis, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 29A. 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 29, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

LEGISLATIVE BILL 1226. Introduced by Bromm, 23; Beutler, 28; Bohlke, 33; Cudaback, 36; Elmer, 44; Hillman, 48; Janssen, 15; Jones, 43; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to petroleum remedial action; to amend sections 66-1524, 81-1504, 81-15,117, and 81-15,119, Reissue Revised Statutes of Nebraska, and sections 66-1509, 66-1514, 66-1518, 66-1519, 66-1522, 66-1523, 66-1525, and 66-1529.01, Revised Statutes Supplement, 1994; to change provisions relating to the fund, payments, rules and regulations, standards, and remaining property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1227. Introduced by Vrtiska, 1; Hudkins, 21; Lindsay, 9; Schmitt, 41.

A BILL FOR AN ACT relating to peace officers; to amend section 81-2008, Reissue Revised Statutes of Nebraska; to provide a penalty for failure to obey or resisting a peace officer; and to repeal the original section.

LEGISLATIVE BILL 1228. Introduced by Hudkins, 21; Engel, 17; Pirsch, 10.

A BILL FOR AN ACT relating to the Uniform Controlled Substances Act; to amend sections 28-431, 28-1439.02, and 28-1439.03, Reissue Revised Statutes of Nebraska; to change provisions relating to asset forfeiture; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1229. Introduced by Klein, 19.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-311.09, Reissue Revised Statutes of Nebraska, section 60-311.07, Revised Statutes Supplement, 1994, and section 60-483, Revised Statutes Supplement, 1995; to eliminate provisions relating to rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 1230. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-144.03, Revised Statutes Supplement, 1994; to change notice requirements for cancellation or nonrenewal of policies; and to repeal the original section.

LEGISLATIVE BILL 1231. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to natural gas regulation; to amend section 19-4602, Revised Statutes Supplement, 1994; to define and redefine terms; and to repeal the original section.

LEGISLATIVE BILL 1232. Introduced by Brashear, 4; Pedersen, 39.

A BILL FOR AN ACT relating to drugs and narcotics; to amend section 28-405, Reissue Revised Statutes of Nebraska; to change the schedule of controlled substances; and to repeal the original section.

LEGISLATIVE BILL 1233. Introduced by Landis, 46.

A BILL FOR AN ACT relating to bonds; to amend section 10-140, Revised Statutes Supplement, 1995; to change provisions relating to recording; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1234. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to school districts; to state intent; to provide for school district reorganization; and to provide duties for the State Board of Education, the State Department of Education, and the Education Committee of the Legislature.

LEGISLATIVE BILL 1235. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health; to amend sections 15-236, 71-608.01, 71-1632 to 71-1636, and 79-2208, Reissue Revised Statutes of Nebraska, sections 71-1,142, 71-1626 to 71-1629, 71-1629.02, 71-1630, and 71-7509, Revised Statutes Supplement, 1994, and section 18-1901, Revised Statutes Supplement, 1995; to change local health department provisions; to change powers of cities of the primary class and counties; to provide for interlocal health departments; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1236. Introduced by Crosby, 29; Klein, 19; Lynch, 13; Pedersen, 39.

A BILL FOR AN ACT relating to blind persons; to amend section 72-1237.01, Revised Statutes Supplement, 1994; to adopt the Commission for the Blind Act; to eliminate provisions relating to the Department of Public Institutions and services for the blind; to harmonize a provision; to provide an operative date; to repeal the original section; to outright repeal sections 83-210.02 to 83-211 and 83-212, Reissue Revised Statutes of Nebraska, and sections 83-210.01 and 83-211.02, Revised Statutes Supplement, 1995; and to declare an emergency.

ANNOUNCEMENT

Mr. Bromm designates LB 1226 as his priority bill.

UNANIMOUS CONSENT - Print in Journal

Mr. Lynch asked unanimous consent to print the following amendment to LR 297 in the Journal. No objections. So ordered.

FA390

Insert a new section 8 and renumber the remaining section:

Property Valuation

8. Until Nebraska's property tax issue is resolved, the Legislature will not consider adjusting downward of any valuations for property taxes or exemption of additional classes of property for taxation.

Mr. Maurstad asked unanimous consent to print the following amendment to LR 297 in the Journal. No objections. So ordered.

FA391

On page 5, line 7, after the period, add a new section.

"Political subdivisions, which are defined by historical geography, vary considerably in their capacity to fund essential public services through a property tax levy. More importantly, taxpayers face very diverse burdens in their financial responsibility for public services."

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 1206 and LB 1226. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 1226. No objections. So ordered.

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1003. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 1206. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 1205. No objections. So ordered.

VISITOR

Visitor to the Chamber was George A. Kubicek from Lincoln.

ADJOURNMENT

At 12:20 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, January 17, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

NINTH DAY - JANUARY 17, 1996

LEGISLATIVE JOURNAL

NINTH DAY - JANUARY 17, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 17, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Jay Vetter, Christ United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Coordsen, Elmer, Engel, Hartnett, Kristensen, Landis, Lindsay, Robinson, Schrock, Mmes. Bohlke, Brown, McKenzie, Pirsch, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 17, 1996.

The motion prevailed.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 993	Wednesday, January 24, 1996	1:30 p.m.
LB 994	Wednesday, January 24, 1996	1:30 p.m.
LB 997	Wednesday, January 24, 1996	1:30 p.m.
LB 1056	Wednesday, January 24, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

COMMUNICATION

January 16, 1996

Mr. Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Patrick:

Your communication from the University of Nebraska Board of Regents requesting the expenditure of monies for the renovation of 23 residence hall elevators, replacement of three residence hall dishwashers, removal of all remaining asbestos from residence halls, and connection of all residence hall rooms to the campus computer network has been referenced this day to the Appropriations Committee for their consideration.

Sincerely,
(Signed) George Coordsen
Chair, Executive Board

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1180 through 1208, bond request, and Governor appointments.

LB	Committee
1180	Banking, Commerce and Insurance
1181	General Affairs
1182	Judiciary
1183	Business and Labor
1184	Banking, Commerce and Insurance
1185	Banking, Commerce and Insurance
1186	Urban Affairs
1187	Health and Human Services
1188	Health and Human Services
1189	Appropriations
1190	Appropriations

1191 Transportation
1192 Appropriations
1193 Urban Affairs
1194 Health and Human Services
1195 Judiciary
1196 Revenue
1197 Judiciary
1198 Judiciary
1199 Judiciary
1200 Education
1201 Natural Resources
1202 Urban Affairs
1203 Banking, Commerce and Insurance
1204 Revenue
1205 Education
1206 Judiciary
1207 Urban Affairs
1208 Agriculture

University of Nebraska Bond Request - Appropriations

Edwards, Janet L. - Tax Equalization and Review Commission -- Revenue

Hans, Robert L. - Tax Equalization and Review Commission -- Revenue

Reynolds, Mark P. - Tax Equalization and Review Commission -- Revenue

Leuenberger, Donald S., Director - Dept. of Social Services -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ATTORNEY GENERAL'S OPINION

Opinion No. 96003

DATE: January 8, 1996

SUBJECT: School Bond Elections; Constitutionality of Proposal to Require Minimum Voter Participation in School Bond Elections and Proposal to Eliminate Special Elections

REQUESTED BY: Senator C. N. "Bud" Robinson

Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of two proposals which are now being drafted in legislative form. The first proposal would require participation by an unspecified percentage of the registered voters in a particular school district for approval of the issuance of school bonds. The other proposal would eliminate the ability of school districts to call a special election for the purpose of voting on school bonds. As we have not been provided with a draft of any legislation which you are contemplating, our opinion as to the constitutionality of your proposals is necessarily limited to a review of issues arising from the general concepts as set forth above, rather than a review of specific legislation. **See** Op. Att'y Gen. No. 95-004 (January 18, 1995); Op. Att'y Gen. No. 82-214 (March 15, 1982).

Pertinent Statute & Enactment History

The Nebraska Constitution mandates that "{a}ll elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise." Neb. Const. art. I, § 22. This provision is not a grant of power but rather a limitation of power; therefore, "the Legislature has vast authority {to legislate in the area of election matters, such power being} limited only by the state and federal Constitutions." **State ex rel. Creighton University v. Smith,** 217 Neb. 682, 687, 353 N.W.2d 267, 271 (1984); **see also Lenstrom v. Thone,** 209 Neb. 783, 311 N.W.2d 884 (1981); **Orleans Education Ass'n v. School Dist. of Orleans,** 193 Neb. 675, 692, 229 N.W.2d 172, 182 (1975) ("The state Legislatures have plenary legislative power except as is expressly denied them by the Constitutions or as is expressly reserved to the people themselves."); **Evans v. Cornman,** 398 U.S. 419 (1970) (U.S. Supreme Court noted its principle "that the states have long been held to have broad powers to determine the conditions under which the right to suffrage may be exercised"). Pursuant to its authority, the Legislature has vested Nebraska school districts with the power to issue bonds, for specified purposes, so long as the conditions of Neb. Rev. Stat. § 10-702 to § 10-716 are satisfied. **See** Neb. Rev. Stat. § 10-701 (1991).

The statute pertinent to your inquiry provides:

> The question of issuing school district bonds may be submitted at a special election or such question may be voted on at an election held in conjunction with the statewide primary or statewide general election. No bonds shall be issued until the question has been submitted to the qualified electors of the district and a majority of all the qualified electors voting on the question have voted in favor of issuing the same. . . .

Neb. Rev. Stat. § 10-702 (Cum. Supp. 1994). We review this statute's enactment history in order to provide a framework for response to your inquiry.

In 1879, legislation was originally[1] enacted to vest school districts with the power to issue bonds for limited purposes. 1879 Neb. Laws § 1, p. 170. A two-thirds majority of the qualified electors present and voting was required in order to approve a bond issue. 1879 Neb. Laws § 2, p. 170. The two-thirds majority required for school bond approval was later amended to a three-fifths majority requirement. 1917 Neb. Laws, c. 9, § 1, p. 65. No legislative history is available to ascertain the Legislature's reasoning in establishing either of these voting percentage requirements.

In 1949, the percentage requirement was again altered -- from a three-fifths majority to a 55 percent requirement. 1949 Neb. Law, c. 13, § 2, p. 75. The principal introducer of the 1949 legislation indicated that the 55 percent majority provision was developed as a compromise figure which would apply to bond issue elections of all school districts. **Committee Records on LB 2,** 61st Neb. Leg. (January 25, 1949) (Hearing Minutes). Institution of the 55 percent majority requirement coincided with the repeal of former Neb. Rev. Stat. § 79-2530, which had authorized, for school districts in cities with populations in excess of 1,000, bond measures upon approval of 51 percent of qualified electors.[2] The 55 percent approval requirement remained in effect for twenty-six years, until the 1971 enactment of legislation which codified the current requirement that a simple majority of voters casting ballots at a particular election approve the school district bond issue. **See** 1971 Neb. Laws LB 534, § 7.

Issues Surrounding Simple Majority and Supermajority Requirements

At the time of the Legislature's 1971 enactment of the current simple majority standard, a national debate was being waged on the issue of whether, in various contexts, supermajority requirements could constitutionally be imposed by state legislatures. **See** Comment, **Extraordinary Majority Voting Requirements,** 58 Georgetown L. J. 411 (1969); Note, **Extraordinary Majority Requirements and the Equal Protection Clause,** 70 Columbia L. Rev. 486 (1970); Recent Cases, 83 Harvard L. Rev. 1911 (1970). Lawsuits challenging a variety of supermajority voting requirements had been filed in California,[3] Idaho,[4] Iowa,[5] Minnesota,[6] Missouri,[7] and West Virginia.[8] Debate surrounding the 1971 Nebraska enactment indicates that the Legislature was aware of that litigation. **Committee Records on LB 534,** 82nd Neb. Leg. (February 11, 1971) (Hearing Minutes); **Floor Debate on LB 534,** 82nd Neb. Leg., 339 (February 23, 1971) (Statement of Senator Luedtke).

At the center of the various state lawsuits -- as well as at the Nebraska Legislature's consideration of the 1971 legislation -- was the issue of whether supermajority voting requirements were violative of the "one-man, one-vote" principle announced by the United States Supreme Court in **Gray v. Sanders,** 372 U.S. 368 (1963), and

Reynolds v. Sims, 377 U.S. 533 (1964). In **Reynolds,** the Court had examined a challenge to a reapportionment of state legislative districts in which the population represented by each district was unequal. The Court found that "the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." 377 U.S. at 555. Determining that all voters should stand in the same relation regardless of where they live, the Court held that malapportionment of legislative districts unconstitutionally diluted the weight of votes cast by residents of the more populous districts. **Id.** at 565-66.

The Court's holdings in **Gray** and **Reynolds** have commonly been denoted as the "one-man, one-vote" rule. Until the late 1960s, the "doctrine had been restricted to reapportionment cases, in which legislative districts were required to accurately reflect their relative populations in order to avoid denying qualified voters equal protection in electing their representatives." Comment, **Extraordinary Majority Voting Requirements,** 58 Geor. L. J. 411 (1969-70). However, litigation arising in several states[9] sought to extend application of the "one-man, one-vote" principle in order to invalidate constitutional and statutory provisions which required approval by a supermajority of eligible voters.

The debate in the 1971 Nebraska Legislature echoed the arguments being made in the various state lawsuits. Senator Roland Luedtke, principal introducer of the 1971 measure argued that any form of supermajority approval standard infringed upon the concept of majority rule. The Senator asserted: "the majority is defeated by the minority when you have a 55 percent or 60 percent requirement. . . ." **Floor Debate on LB 534,** 82nd Neb. Leg. 339 (February 23, 1971) (Statement of Senator Luedtke). Opponents of the measure expressed concerns regarding the level of bonded indebtedness of local government,[10] maintaining taxpayer control over local spending decisions,[11] and ensuring balanced opportunities between opponents and proponents of particular bond issues.[12] Three months after enactment of Nebraska's current statute, the issue of whether the "one-man, one-vote" rule applied to supermajority voting requirements was resolved by the United States Supreme Court in **Gordon v. Lance,** 403 U.S. 1 (1971).

Significance & Application of the Gordon Decision

Your first proposal would require that the number of registered voters casting ballots on a school bond issue be at or exceed an unspecified percentage of the total qualified electors in the school district. In **Gordon,** the Supreme Court found that, for purposes of constitutional analysis, there is no distinction between your proposal and the supermajority approval requirement which was under consideration in that case. 403 U.S. at 7. Consequently, our analysis of your proposal will focus on the propriety of the supermajority approval requirement. At issue before the Court was a challenge to provisions of West Virginia's Constitution and statutes which provided that political subdivisions of the state could not incur bonded indebtedness or increase tax rates without the approval of 60 percent of voters in a

referendum election. **Id.** at 2. The suit arose following a school bond election in which 51.55 percent of the total votes cast favored issuance of the bonds. **Id.** at 3. Having failed, however, to obtain the required 60 percent affirmative vote, the bond proposals were defeated. **Id.** Citizens who had voted in favor of the referendum initiated their suit seeking a declaration that the 60 percent supermajority requirement violated the Equal Protection Clause of the Fourteenth Amendment. **Id.**

The Supreme Court acknowledged the three-fifths voting requirement at issue "made it more difficult for some kinds of governmental actions to be taken. Certainly any departure from strict majority rule gives disproportionate power to the minority." **Id.** at 5-6. The Court, however, found that "there is nothing in the language of the Constitution, our history, or our cases that requires that a majority always prevail on every issue." **Id.** at 6. In matters of finance and taxation, the Court noted:

> It must be remembered that in voting to issue bonds voters are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand. That the bond issue may have the desirable objective of providing better education for future generations goes to the wisdom of an indebtedness limitation: it does not alter the basic fact that the balancing of interests is one for the State to resolve.

Id. at 6-7. Therefore, the Court held that so long as such supermajority provisions do not discriminate against any identifiable class they do not violate the Equal Protection Clause. **Id.** at 7. The Court further concluded that there exists "no independently identifiable group or category that favors bonded indebtedness over other forms of financing. Consequently no sector of the population may be said to be 'fenced out' from the franchise because of the way they will vote." **Id.** at 5.

That language has been construed "as standing for the proposition that, unless they are in some manner otherwise identified, the proponents of a bond issue are not themselves such an 'identifiable class,' or a 'discrete and insular minority.'" **Matter of Contest of a Certain Special Election,** 659 P.2d 1294, 1296 (Ariz. App. 1982); **see also Santa Clara Co. Local Transp. v. Guardino,** 909 P.2d 225, 247 (Cal. 1995) (holding that "{b}ecause persons who vote in favor of tax measures may not be deemed to represent a definite identifiable class, equal protection principles do not forbid 'debasing' their vote by requiring a two-thirds approval of such measures."); **Gray v. Town of Darien,** 927 F.2d 69, 72 (2nd Cir. 1991) (holding that "{t}he fact that {a 60 percent supermajority requirement on bond issues} makes it more difficult for those opposed to a decision of the town's elected officials to change that decision than would be the case if only a simple majority were required is constitutionally irrelevant."); **Town of Lockport v. Citizens for Commun. Action,** 430 U.S. 259, 268 n. 13 (1977).

The **Gordon** Court expressly found "no constitutional distinction between the 60% requirement in the present case and a state requirement that a given issue be approved by a majority of all registered voters." 403 U.S. at 7 (emphasis added). The Court noted:

> the latter requirement would be far more burdensome than a 60% requirement. There were 8,913 registered voters in Roane County in 1968, of whom 5,600 voted in the referendum at issue. If a majority of all eligible voters had been required, approval would have required the affirmative votes of over 79% of those voting.

403 U.S. at 7 n. 5 **(citing** State of West Virginia, Official Returns of 1970 Primary Election).

The Court also cited favorably to a decision on this issue which had been rendered by the South Carolina Supreme Court in **Clay v. Thornton,** 169 S.E.2d 617 (S.C. 1969), **appeal dismissed sub. nom. Turner v. Clay,** 397 U.S. 39 (1970). In that case, the South Carolina court upheld a state constitutional provision which prohibited the organization of any city or town "without the consent of the majority of the electors residing and entitled by law to vote within the district proposed to be incorporated." 169 S.E.2d at 618 **(citing** S.C. Const. art. 8, § 2). The challenge to that provision arose following an attempt to incorporate a city. Pursuant to procedures which had been established by statute, an election was conducted to determine whether the city would be incorporated and, if so, to elect a mayor and aldermen. **Id.** There were approximately 16,900 electors residing and entitled by law to vote in the election. **Id.** "Of the qualified electors, 7,315 cast ballots in the election with a majority (4,572) of these voting in favor of incorporation." **Id.** Thus, while a majority of the votes cast favored incorporation, a majority of the 16,900 qualified electors did not vote in favor of the incorporation. The court voided the election, finding that the results could be given no legal effect since the consent of the constitutionally-prescribed majority had not been obtained. **Id.** at 620.

In reaching its conclusion, the court rejected an argument that the practical effect of the constitutional requirement was "to add the 'non-votes to the negative votes cast' . . . thereby diluting the votes of those persons voting for incorporation." **Id.** The court found that such an argument was based upon the "one-man, one-vote" principles of **Reynolds v. Sims,** 377 U.S. 533 (1964), and concluded that those principles were not applicable to the case. **Id.**

As noted in **Gordon,** an appeal of the South Carolina Supreme Court's decision in the **Clay** case was dismissed by the U.S. Supreme Court. **See Turner v. Clay,** 397 U.S. 39 (1970). Further attempts to invalidate the South Carolina constitutional provision were also rejected by lower federal courts. **See Hall v. Thornton,** 445 F.2d 834 (4th Cir. 1971). We also note that one week following its **Gordon v. Lance** decision, the Supreme Court further upheld the constitutionality of supermajority voting requirements. The Court affirmed a federal court decision which had rejected a challenge to Missouri's two-thirds affirmative vote requirement on school bond issues. **Brenner v.**

School Dist. of Kansas City, Missouri, 403 U.S. 913 (1971), **aff'g** 315 F.Supp. 627 (W.D. Mo. 1970).

Based upon the decision rendered in **Gordon v. Lance,** the Supreme Court's favorable citation to **Clay v. Thornton,** and the Court's affirmance of **Brenner,** we find that the Legislature has the authority to impose a reasonable provision to require more than a simple majority of those votes cast at an election for approval of a school bond issue. The federal district court's **Brenner** decision has been recognized as "a long and scholarly opinion"[13] to which we direct your further review for an exhaustive analysis of the significant, competing policy concerns arising from the imposition of supermajority voting requirements. Review of the constitutional and statutory provisions of other states which mandate supermajority approval requirements may also be useful in your consideration of this issue.[14]

Issues Surrounding the Elimination of Special Elections

We now address your second proposal which would "simply eliminate the ability of school districts to call a special election for the purpose of voting on bonds. That is, if a school district wanted to pass a bond, it would have to be voted on at a general or primary election." While significant policy considerations arise in such a proposal, we find no legal impediment to the Legislature's ability to restrict voting on school district bond issues to ongoing primary or general elections.

Our conclusion is based upon several legal tenets. First, as previously discussed, the Legislature may regulate elections so long as any conditions it imposes do not conflict with the fundamental right to vote or any other provisions of the federal or state Constitutions. **Cf. State ex rel. Creighton University v. Smith,** 217 Neb. 682, 353 N.W.2d 267 (1984); **Evans v. Cornman,** 398 U.S. 419 (1970); **Ratigan v. Davis,** 175 Neb. 417, 122 N.W.2d 12 (1963). Furthermore, the Nebraska Supreme Court has consistently held that "{a} school district in this state is a creature of statute and possesses no other powers than those granted by the Legislature." **School Dist. of Seward Educ. Ass'n v. School Dist. of Seward,** 188 Neb. 773, 779, 199 N.W.2d 752, 757 (1972) (quoting **State ex rel. School Dist. v. Bd. of Equalization,** 166 Neb. 785, 90 N.W.2d 421 (1958)); **see also School Dist. of Waterloo v. Hutchinson,** 224 Neb. 665, 508 N.W.2d 832 (1993). Thus, "{t}he Legislature has plenary power and control over school districts, including provision for the appointment or election of governing bodies thereof. Consequently, it may provide limitations on any authority to be exercised by a school board." 188 Neb. at 779, 199 N.W.2d at 757.

These principles have been applied by the supreme court to a controversy involving a taxpayer's challenge of a bond issue which had been approved by his school board. **McCord v. Marsh,** 108 Neb. 723, 189 N.W. 386 (1922). The taxpayer sought to enjoin the school board's registration of bonds in the sum of $125,000, which issuance had been authorized by the school board after being petitioned to do so by more than 51 percent of the legal voters of the district. **Id.** at 725, 189 N.W. at 386. As one of his arguments, the taxpayer challenged the

Legislature's ability to provide for school district bond issuance through the petition process. **Id.** The court, in upholding the bond issue, expressly determined that

> {t}he maintenance of schools is a governmental function, and it was clearly within the power of the legislature to authorize the issuance of bonds for school purposes upon any conditions it might see fit to impose. It could direct that the bonds be issued by a vote of the electors, or by petition, or by the mere action of the board itself.

Id. at 728, 189 N.W. at 388. Thus, the court concluded that "the statute authorizing the bonds was a legitimate exercise of legislative authority." **Id.** at 729, 189 N.W. at 388. We find it likely that the court's reasoning would also be applicable to, and sustain, a decision by the Legislature to restrict voting on school district bonds to primary and general elections.

Conclusion

We find no legal impediment to your proposal to require a certain level of participation by voters in elections to approve the issuance of school bonds[15] or to your proposal to eliminate the ability of school districts to call a special election for the purpose of voting upon a school bond issue.

[1] In 1893, the Legislature enacted Chapter 31, a provision of which pertained to school district bond funding. In a controversy arising pursuant to that enactment, the Nebraska Supreme Court speculated that the 1893 legislation "seem(ed) to have contained the first provision towards raising money for school districts for future use by the issue of bonds." **State v. Barton** 91 Neb. 357, 363 (1912); **see also Taxpayers League of Wayne County v. Benthack,** 136 Neb. 277, 285 N.W. 577 (1939). Nowhere in its opinion did the court acknowledge the prior 1879 enactment. The 1893 legislation was actually the precursor to former Neb. Rev. Stat. § 79-2529 and § 79-2530 (1943). These statutes authorized issuance of school bonds upon approving votes of 51 percent of the ballots cast for schools in cities of populations in excess of 1,000. **Cf.** 1925-26 Rep. Att'y Gen. 311. The statutes existed from 1893 until their repeal in 1949. **See** 1949 Neb. Laws, c. 256; Revisor's Note to Chapter 79 (1950), pp. 328, 334. For purposes of this opinion, we deem the 1879 statute to be the earliest statutory provision regarding the issuance of general school district bonds.

[2] See note 1 for further explanation of the concurrent statutory requirements.

[3] **Westbrook v. Mihaly,** 2 Cal.3d 765, 87 Cal. Rptr. 839, 471 P.2d 487 (1970) (California Supreme Court held that a two-thirds requirement for approval of county general obligation bonds violated federal equal protection principles), **cert. denied, vacated, and remanded sub. nom. Mihaly v. Westbrook,** 403 U.S. 915 (1971).

[4] **Bogart v. Kinzer,** 93 Idaho 515, 465 P.2d 639 (1970)(Idaho Supreme Court reversed a lower court ruling which had determined that state constitutional and statutory provisions requiring two-thirds assent to approve the issue of general obligation bonds was violative of the "one-man, one-vote" principle), **appeal dismissed for want of federal question,** 403 U.S. 914 (1971).

[5] **Adams v. Fort Madison Commun. School Dist.,** 182 N.W.2d 132 (1970)(Iowa Supreme Court upheld statute requiring at least a 60 percent affirmative vote in order for school district bond proposals to carry).

[6] **Rimarcik v. Johansen,** 310 F.Supp. 61 (1970) (federal district court held that a Minnesota statutory provision requiring a 55 percent favorable vote for adoption of amendment to a home rule charter violated the "one-man, one-vote" principle and, therefore, violated the equal protection clause of the federal Constitution), **vacated and remanded for reconsideration,** 403 U.S. 915 (1971).

[7] **Brenner v. School Dist. of Kansas City, Missouri,** 315 F.Supp. 627 (1970)(federal district court upheld provisions of Missouri's Constitution and statutes which required approval by a two-thirds majority of votes cast at school bond elections), **aff'd** 403 U.S. 913 (1971).

[8] **Lance v. Board of Educ.,** 153 W.Va. 559, 170 S.E.2d 783 (1969), **cert. granted sub. nom. Gordon v. Lance,** 397 U.S. 1020 (1970) (West Virginia Supreme Court invalidated provisions of the state's Constitution and statutes which required that a 60 percent majority of voters in referendum elections approve bonded indebtedness proposals).

[9] See case citations in notes 3 through 8.

[10] **Floor Debate on LB 534,** 82nd Neb. Leg. 378 (February 26, 1971)(Statement of Senator Nore).

[11] **Floor Debate on LB 534,** 82nd Neb. Leg. 376 (February 26, 1971)(Statement of Senator Kokes).

[12] **Id.**

[13] **Santa Clara Co. Local Trnsp. v. Guardino,** 902 P.2d 225, 248 (Cal. 1995).

[14] Idaho Const. art. 8, § 3 (1993) (two-thirds majority required to approve bonded indebtedness of local subdivisions); Iowa Code Ann. § 296.6 (West 1988)(60 percent school bond approval requirement); Mo. Const. art. 6, § 26(b) (four-sevenths majority required at general

elections and two-thirds majority at all other elections for bond issues); S.D. Codified Laws Ann. § 6-8B-2 (1993)(60 percent bond approval requirement); Tex. Const. art. 3, § 52(b) (West 1984) (two-thirds majority bond approval requirement).

[15] As previously discussed, we find no legal impediment to enactment of a reasonable supermajority approval requirement. In **Gordon,** the U.S.Supreme Court expressly authorized imposition of a three-fifths, or 60 percent, supermajority requirement for approval of referendum measures which increase the bonded indebtedness of political subdivisions. The Court also cited favorably to the provision of South Caroline law, at issue in **Clay v. Thornton,** which required approval of a majority of all qualified voters. As we have noted, however, the Court reserved ruling on "the constitutionality of (any) provision requiring unanimity or giving veto power to a very small group." 403 U.S. at 8, n. 6.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-23-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTION - Withdraw LB 987

Mr. Janssen renewed his pending motion, found in the Journal on page 381, to withdraw LB 987.

The Janssen motion prevailed with 23 ayes, 0 nays, 7 present and not voting, and 19 excused and not voting.

MOTION - Adopt Rules

Mr. Will renewed the Rules Committee pending proposed rules change, found in the Journal on pages 266, 267, and 268 and considered on pages 348, 362, 365, 383, and 398, to Rule 1 C. new section 17, Rule 3, Section 12(b), Rule 5, Section 5(h), Rule 6, Section 3(b), and Rule 7, Section 3(a).

Mr. Chambers offered the following amendment:
Amend Proposal #6
In paragraph (a) in the first sentence, after "resolutions" insert "proposing to amend the Constitution"

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, 28:

Avery	Crosby	Hilgert	Klein	Schrock
Bernard-Stevens	Cudaback	Hillman	Matzke	Vrtiska
Beutler	Dierks	Hudkins	Maurstad	Wesely
Chambers	Elmer	Janssen	Preister	Wickersham
Coordsen	Engel	Jensen	Robinson	Will
	Hartnett	Jones	Schmitt	

Voting in the negative, 2:

Fisher	Kristensen

Present and not voting, 7:

Lynch	Schellpeper	Warner	Wehrbein	Withem
Pedersen	Schimek			

Excused and not voting, 12:

Abboud	Bromm	Lindsay	Pirsch	Stuhr
Bohlke	Brown	McKenzie	Robak	Witek
Brashear	Landis			

The Chambers amendment was adopted with 28 ayes, 2 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Beutler moved to suspend the rules, Rule 7, Sections 3 and 7, and vote on the adoption of proposed Rules Change #6 without further amendment, motion, or debate.

Mr. Beutler withdrew his motion to suspend the rules.

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 413, to reconsider the Bernard-Stevens amendment to proposed rule change #6 (strike Subsection C of Rule 17).

Messrs. Coordsen, Jones, Avery, Hilgert, and Pedersen 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 18 ayes, 0 nays, and 31 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 23:

Abboud	Coordsen	Hudkins	Pedersen	Schimek
Bernard-Stevens	Crosby	Jensen	Pirsch	Schmitt
Bohlke	Cudaback	Kristensen	Preister	Wickersham
Chambers	Dierks	Lindsay	Robak	Witek
	Hilgert	McKenzie	Schellpeper	

Voting in the negative, 22:

Beutler	Engel	Klein	Maurstad	Warner
Brashear	Fisher	Landis	Robinson	Wehrbein
Bromm	Hartnett	Lynch	Schrock	Will
Brown	Hillman	Matzke	Vrtiska	Withem
Elmer	Janssen			

Present and not voting, 1:

Wesely

Excused and not voting, 3:

Avery	Jones	Stuhr

The Bernard-Stevens motion to reconsider lost with 23 ayes, 22 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

MR. COORDSEN PRESIDING

UNANIMOUS CONSENT - Member Excused

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1237. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1741.01 and 33-139.01, Revised Statutes Supplement, 1995;

to change a provision relating to the issuance of a citation for a handicapped parking infraction; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1238. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to handicapped parking; to amend section 18-1737, Revised Statutes Supplement, 1995; to provide for certain time limited handicapped parking stalls or spaces; and to repeal the original section.

LEGISLATIVE BILL 1239. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Reissue Revised Statutes of Nebraska; to change provisions relating to locations of retail licensees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1240. Introduced by Withem, 14; Avery, 3; Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 14-563, Reissue Revised Statutes of Nebraska, and sections 9-650 and 77-2341, Revised Statutes Supplement, 1994; to authorize investments on interest received from lottery proceeds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1241. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Act; to amend sections 46-1233, 46-1238, and 46-1239, Reissue Revised Statutes of Nebraska, and sections 46-1201, 46-1203, and 46-1240, Revised Statutes Supplement, 1994; to define and redefine terms; to provide for penalties and injunctive relief against employers using unlicensed individuals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1242. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to parental liability; to amend section 43-801, Reissue Revised Statutes of Nebraska; to change provisions relating to liability for acts of a child; and to repeal the original section.

LEGISLATIVE BILL 1243. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to initiative petitions; to amend section 32-1407, Revised Statutes Supplement, 1994; to provide requirements for filing initiative petitions; and to repeal the original section.

LEGISLATIVE BILL 1244. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to judges; to amend sections 24-301.02 and 24-503, Reissue Revised Statutes of Nebraska; to change the number of county court and district court judges; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1245. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to commercial fertilizer; to amend section 77-4401, Revised Statutes Supplement, 1994; to change fee provisions; and to repeal the original section.

LEGISLATIVE BILL 1246. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 1994; to provide an adjustment to the income tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1247. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to fire protection districts; to amend section 35-508, Reissue Revised Statutes of Nebraska; to require a vote of the people for certain tax levy increases; and to repeal the original section.

LEGISLATIVE BILL 1248. Introduced by Vrtiska, 1; Beutler, 28; Robinson, 16.

A BILL FOR AN ACT relating to disasters and civil defense; to amend section 81-829.39, Reissue Revised Statutes of Nebraska, and section 81-829.42, Revised Statutes Supplement, 1995; to redefine the term disaster; to authorize reimbursement of indebtedness and grants to local governments; and to repeal the original sections.

LEGISLATIVE BILL 1249. Introduced by Janssen, 15; Hudkins, 21; Robinson, 16.

A BILL FOR AN ACT relating to juries; to amend section 29-2004, Reissue Revised Statutes of Nebraska; to provide for a stipulation for advance jury selection; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1250. Introduced by Will, 8, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-3822, Reissue Revised Statutes of Nebraska, section 77-2715.02, Revised Statutes Supplement, 1994, and section 79-3804, Revised Statutes Supplement, 1995; to change calculations relating to income tax rates; to change funding allocations for schools; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1251. Introduced by Wickersham, 49; Withem, 14.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1749, Revised Statutes Supplement, 1995; to authorize voluntary contributions to police pension or retirement plans; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1252. Introduced by Maurstad, 30; Wehrbein, 2.

A BILL FOR AN ACT relating to the Risk Manager; to amend sections 81-8,239.01, 84-1602, 84-1603, 84-1605, 84-1606, and 84-1613, Reissue Revised Statutes of Nebraska; to change provisions relating to administration of the state employees insurance program and the State Employees Insurance Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1253. Introduced by Hartnett, 45; Avery, 3; Withem, 14.

A BILL FOR AN ACT relating to taxation; to amend sections 77-3201, 77-3203, 77-3204, and 77-3205, Reissue Revised Statutes of Nebraska; to change provisions relating to county land reutilization authorities and commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1254. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to Class V school districts; to amend section 79-1004.03, Reissue Revised Statutes of Nebraska; to provide for fiduciary liability insurance for the secretary of the board of education; and to repeal the original section.

LEGISLATIVE BILL 1255. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robak, 22; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1204, 2-1205, 2-1208.03, and 2-1213, Reissue Revised Statutes of Nebraska, sections 2-1207, 2-1207.01, and 2-1208, Revised Statutes Supplement, 1994, and section 2-1208.04, Revised Statutes Supplement, 1995; to change provisions relating to race meetings, licensure, and the distribution of amounts deducted from wagers; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1256. Introduced by Robak, 22.

A BILL FOR AN ACT relating to retirement; to amend section 79-1566, Reissue Revised Statutes of Nebraska; to change provisions relating to adjusted supplemental retirement benefits for retired members of the School Retirement System of the State of Nebraska and the retirement system for Class V school districts; and to repeal the original section.

LEGISLATIVE BILL 1257. Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health services; to amend sections 71-5002, 83-1,147 to 83-1,152, 83-227.01, 83-306, 83-308, 83-324, 83-336, 83-339, 83-340, 83-1021, and 83-1040, Reissue Revised Statutes of Nebraska, and section 71-5654, Revised Statutes Supplement, 1994; to state intent; to provide for psychiatric or psychosocial rehabilitation; to change the title, qualifications, and duties of the Director of Medical Services of the Department of Public Institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1258. Introduced by Hilgert, 7; Lindsay, 9.

A BILL FOR AN ACT relating to the Business Corporation Act; to amend section 21-2048, Revised Statutes Supplement, 1995; to change provisions relating to shareholders' preemptive rights; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1259. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to amend section 28-307, Reissue Revised Statutes of Nebraska; to adopt the Physician Aid-In-Dying Act; to provide a penalty; to change provisions relating to murder, homicide, assault, and assisting suicide; and to repeal the original section.

LEGISLATIVE BILL 1260. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to marriage; to amend sections 28-701, 42-101, 42-102, 42-103, and 42-109, Reissue Revised Statutes of

Nebraska; to provide for same sex marriages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1261. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to authorize local governments to levy payments in lieu of taxes for certain tax exempt property.

LEGISLATIVE BILL 1262. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-201, and 77-202, Revised Statutes Supplement, 1994; to tax possessory interests in real property, improvements, and personal property of the state or its political subdivisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1263. Introduced by Brashear, 4; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1458, 49-1463.01, 49-1467, 49-1469, and 49-1479.01, Reissue Revised Statutes of Nebraska, and section 49-1483.03, Revised Statutes Supplement, 1994; to change reporting requirements; to provide late filing fees for filing late or for failing to file certain statements or reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1264. Introduced by Brashear, 4; Withem, 14.

A BILL FOR AN ACT relating to motor vehicles; to provide for Nebraska Cornhusker Spirit Plates; to provide for fees; and to create a fund.

LEGISLATIVE BILL 1265. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to state buildings and land; to amend sections 81-1102 and 81-1107, Revised Statutes Supplement, 1995; to change provisions relating to financing agreements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1266. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to temporary state employees; to amend section 84-1601, Reissue Revised Statutes of Nebraska; to authorize certain health insurance benefits; and to repeal the original section.

LEGISLATIVE BILL 1267. Introduced by Witek, 31; Pirsch, 10.

A BILL FOR AN ACT relating to economic development; to authorize a certification program for women-owned businesses; to define terms; and to provide powers and duties for the Secretary of State and the Department of Economic Development.

LEGISLATIVE BILL 1268. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to trust companies; to amend section 8-226, Revised Statutes Supplement, 1994; to provide an exception to a prohibition on the use of certain terms; and to repeal the original section.

LEGISLATIVE BILL 1269. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to bail; to amend section 29-901, Reissue Revised Statutes of Nebraska; to provide for applying an appearance bond to a judgment as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1270. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.11, Revised Statutes Supplement, 1994; to provide a sales and use tax exemption for shipments to direct mailers outside the state; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1271. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2206 and 29-2206.01, Reissue Revised Statutes of Nebraska; to change provisions relating to installment payment arrangements; to authorize an administrative fee; and to repeal the original sections.

LEGISLATIVE BILL 1272. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to courts; to amend sections 24-517 and 43-247, Reissue Revised Statutes of Nebraska; to change the jurisdiction of the juvenile courts; and to repeal the original sections.

LEGISLATIVE BILL 1273. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2322, 24-701, 24-707, 24-710, 24-710.02, 79-1501, 79-1522.01, 79-1528, 79-1552, 81-2026, 84-1301, 84-1319, 84-1321, 84-1323, and

84-1324, Reissue Revised Statutes of Nebraska, sections 23-2317, 23-2319, and 23-2321, Revised Statutes Supplement, 1994, and sections 23-2301 and 81-2032, Revised Statutes Supplement, 1995; to adopt the Spousal Pension Rights Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1274. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and capital stock financial institutions; to adopt the Public Funds Deposit Security Act.

LEGISLATIVE BILL 1275. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-122 and 8-1509, Reissue Revised Statutes of Nebraska, and sections 8-157 and 8-1507, Revised Statutes Supplement, 1995; to change provisions relating to acquisitions and mergers; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1276. Introduced by Maurstad, 30; Brown, 6.

A BILL FOR AN ACT relating to museums; to adopt the Museum Property Act.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 900. Placed on General File as amended.
Standing Committee amendment to LB 900:
AM2793

1. Insert the following new section:

"Sec. 1013. Any reference to a Chapter 79 section number contained in rules and regulations adopted and promulgated prior to the effective date of this act shall be deemed to refer to the section in this legislative bill containing the referenced provisions without requiring any revision of the rules or regulations, regardless of the section number assigned to such section as part of the codification process.".

2. On page 375, line 39, strike "public,"; and in line 41 strike "sections" through "377" and insert "section 146".

3. Renumber the remaining sections and correct internal references accordingly.

(Signed) Ardyce Bohlke, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 931. Placed on General File.
LEGISLATIVE BILL 948. Placed on General File.

LEGISLATIVE BILL 949. Placed on General File.
LEGISLATIVE BILL 969. Placed on General File.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1037	Wednesday, January 24, 1996	1:30 p.m.
LB 1173	Wednesday, January 24, 1996	1:30 p.m.
LR 288CA	Wednesday, January 24, 1996	1:30 p.m.
LB 958	Wednesday, January 24, 1996	1:30 p.m.
LB 1085	Thursday, January 25, 1996	1:30 p.m.
LB 1058	Thursday, January 25, 1996	1:30 p.m.
LB 1096	Thursday, January 25, 1996	1:30 p.m.
LB 1176	Thursday, January 25, 1996	1:30 p.m.
LB 1177	Thursday, January 25, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Appropriations

LB 922	Wednesday, January 24, 1996	1:30 p.m.
LB 1189	Wednesday, January 24, 1996	1:30 p.m.

Thursday, January 25, 1996, Room 1003 1:30 p.m.
Agency 09 - Secretary of State
Agency 14 - Public Service Commission
Agency 23 - Department of Labor
Agency 82 - Commission for Hearing Impaired
Agency 87 - Nebraska Accountability and Disclosure Commission
Agency 63 - State Board of Public Accountancy

Thursday, January 25, 1996, Room 1003 1:30 p.m.
University of Nebraska Bond Requests
(Legislative Journal pages 424 to 426)

(Signed) Roger R. Wehrbein, Chairperson

Government, Military and Veterans Affairs

Governor Appointments Wednesday, January 24, 1996 1:30 p.m.
Nebraska State Personnel Board
Samuel F. Seever
Thomas L. Sams

Secretary of State Appointment Wednesday, January 24, 1996 1:30 p.m.
Nebraska Accountability and Disclosure Commission
J. L. Spray

LB 1133	Wednesday, January 24, 1996	1:30 p.m.
LB 1139	Wednesday, January 24, 1996	1:30 p.m.
LB 1164	Wednesday, January 24, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

MOTION - Adopt Rules

Mr. Withem offered the following amendment to the Rules Committee pending proposed rules change referred to in this day's Journal:

Strike existing portions of the pending amendment and insert the following language:

In Rule 7, section 11, lines 3 and 4, strike "the principal introducer of a bill or resolution" and insert "any member".

Mr. Withem withdrew his amendment.

Mr. Beutler moved to suspend the rules, Rule 7, Section 3 and 7, and vote on the adoption of proposed Rules Change #6 without further amendment, motion, or debate.

Mr. Klein 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 28 ayes, 2 nays, and 19 not voting.

The Beutler motion to suspend the rules prevailed with 32 ayes, 2 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Beutler requested a roll call vote on the Rules Committee proposed rules change, as amended.

Voting in the affirmative, 29:

Beutler	Elmer	Jones	Pirsch	Warner
Bohlke	Engel	Lynch	Robinson	Wehrbein
Brashear	Fisher	Matzke	Schellpeper	Wesely
Bromm	Hartnett	Maurstad	Schrock	Will
Brown	Hillman	McKenzie	Stuhr	Withem
Dierks	Janssen	Pedersen	Vrtiska	

Voting in the negative, 19:

Abboud	Chambers	Hilgert	Landis	Schimek
Avery	Coordsen	Hudkins	Lindsay	Schmitt
Bernard-Stevens	Crosby	Jensen	Preister	Wickersham
	Cudaback	Kristensen	Robak	Witek

Excused and not voting, 1:

Klein

The Rules Committee proposed rules change, as amended, was adopted with 29 ayes, 19 nays, and 1 excused and not voting.

Pending.

MOTION - Suspend Rules

Mr. Kristensen moved to suspend Rule 3, Section 13, so as to allow the scheduling of a public hearing on Friday, January 19, 1996.

The Kristensen motion to suspend the rules prevailed with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1277. Introduced by Will, 8.

A BILL FOR AN ACT relating to pickle cards; to amend sections 9-332.01 and 9-338, Reissue Revised Statutes of Nebraska, and sections 9-301, 9-315, and 9-346, Revised Statutes Supplement, 1994; to authorize the sale of seal cards as prescribed; to redefine a term; to change provisions relating to departmental approval, contraband goods, and pickle card requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1278. Introduced by Matzke, 47; Engel, 17; Schellpeper, 18.

A BILL FOR AN ACT relating to pharmacy; to amend sections 28-401, 28-410, 28-412, 28-414, 28-1437, 71-124.01, and 71-129, Reissue Revised Statutes of Nebraska, and sections 71-1,142, 71-1,143, 71-1,147, and 71-1,147.09, Revised Statutes Supplement, 1994; to change provisions relating to prescriptions, the dispensing of drugs, and

the regulation of the pharmacy profession; and to repeal the original sections.

LEGISLATIVE BILL 1279. Introduced by Brown, 6; Klein, 19; Maurstad, 30.

A BILL FOR AN ACT relating to schools; to provide for science laboratory safety.

LEGISLATIVE BILL 1280. Introduced by Hilgert, 7; Lindsay, 9.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide for a learned treatise exception to the rule against hearsay; and to repeal the original section.

LEGISLATIVE BILL 1281. Introduced by Will, 8.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-239, 9-313, 9-317, and 9-337, Reissue Revised Statutes of Nebraska, sections 9-315, 9-346, 9-404, 9-429, 9-601, 9-607, and 9-648, Revised Statutes Supplement, 1994, and sections 9-345.03, 9-625, and 9-629, Revised Statutes Supplement, 1995; to authorize contractual agreements and require voter approval for certain gaming facilities; to change and eliminate provisions relating to taxation, elections, filing requirements, fees, and permits; to change provisions relating to lottery play and distribution of proceeds; to authorize the use of keno machines and electronic pickle card dispensing devices as prescribed; to provide powers and duties; to redefine terms; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-236, 9-433, and 9-644, Reissue Revised Statutes of Nebraska, and sections 9-237 and 9-643, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 1282. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to paternity actions; to amend section 43-512.03, Revised Statutes Supplement, 1995; to provide for visitation orders in certain actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1283. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to condominiums, cooperatives, and common interest communities; to amend section 31-735, Reissue Revised Statutes of Nebraska; to adopt the Uniform Common Interest Ownership Act; to eliminate provisions relating to the Condominium Property Act and the Nebraska Condominium Act; to provide an operative date; to provide severability; to repeal the original section;

and to outright repeal sections 76-801, 76-803, 76-805, 76-806, 76-808, 76-810, 76-812 to 76-815, 76-818, 76-820.01, 76-824, 76-828 to 76-835, 76-836 to 76-853, 76-855 to 76-882, 76-884 to 76-890, and 76-892 to 76-894, Reissue Revised Statutes of Nebraska, and sections 76-802, 76-804, 76-807, 76-809, 76-811, 76-816, 76-817, 76-819, 76-820, 76-823, 76-824.01 to 76-827, 76-835.01, 76-854, 76-883, 76-891.01, and 76-891.02, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 1284. Introduced by Bohlke, 33; Bromm, 23; McKenzie, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 1995; to provide a tax credit for the purchase of flow meters used for agricultural irrigation purposes; to provide an operative date; and to repeal the original section.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 939. Placed on General File.
LEGISLATIVE BILL 974. Placed on General File.

(Signed) Doug Kristensen, Chairperson

Agriculture

LEGISLATIVE BILL 965. Placed on General File.
LEGISLATIVE BILL 966. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 689. Placed on General File.

LEGISLATIVE BILL 667. Indefinitely postponed.

(Signed) David Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 300CA. Introduced by Warner, 25.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 "The Legislature may provide by general law for payments in lieu of taxes to be paid by the owner of any real or tangible personal property exempt from taxation for any reason except ownership by the federal government. Such payments in lieu of taxes may be set by the Legislature or, when authorized by the Legislature, by local governments which provide public safety, rescue, and emergency services, road or street construction or maintenance services, or public utility services. Payments in lieu of taxes authorized under this section may be assessed based on any method which is uniform as to class, including but not limited to, gross receipts, linear foot, percentage of actual value, or actual cost of service, but in no case shall the assessed payments exceed the actual or average cost incurred by a local government which provides public safety, rescue, and emergency services, road or street construction or maintenance services, or public utility services to properties in the area where the exempt properties are located. The Legislature, or local governments as provided by the Legislature, may use different methods of assessing such payments for different classes or may exempt some classes of tax exempt properties from such payments. All proceeds from any payments in lieu of taxes shall be for the benefit of local governments providing public safety, rescue, and emergency services, road or street construction or maintenance services, and public utility services.".

Sec. 2. 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 payments in lieu of taxes for certain tax exempt real and personal property.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 301CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 or~~ (b) the enactment of laws providing for the licensing and regulation of wagering on the results of sporting events as defined by the Legislature, or (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.".

Sec. 2. 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 a restriction on the enactment of laws relating to parimutuel wagering and to permit enactment of laws providing for licensing and regulation of wagering on the results of sporting events.

For

Against".

Referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 256A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 256, Ninety-fourth Legislature, Second Session, 1996.

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.

Nebraska Railway Council
Larry Sitzman

Board of Public Roads Classifications and Standards
James Anderson
James Bauer
David Collidge
Larry Herrmann

VOTE: Aye: Senators Avery, Coordsen, Jones, Klein, Kristensen, Matzke, Pedersen, and Pirsch. Nay: None. Absent: None.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Print in Journal

Mr. Lindsay asked unanimous consent to print the following amendment to LR 17CA in the Journal. No objections. So ordered.

AM2787
(Amendments to Standing Committee amendment, AM0265)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 'Beginning with the year 1975, regular Regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety sixty-five legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. , and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. An organizational session shall be held commencing at 10 a.m. on the sixth Wednesday after the general election in each even-numbered year. Bills may be introduced during the organizational session.

The duration of the organizational session shall not exceed three days. The terms of the members of the Legislature shall commence on the first day of the organizational session, and notwithstanding Article III, section 7, of this Constitution, the preceding terms shall terminate on such date.

The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor.

No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.'.

Sec. 2. 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 the length of the regular legislative session to sixty-five days annually, to add a biennial organizational session of three days or less, and to change the date on which the terms of members of the Legislature commence and terminate.

For

Against'.".

Mr. Lindsay asked unanimous consent to print the following amendment to LB 913 in the Journal. No objections. So ordered.

AM2784

1. On page 2, strike beginning with "(i)" in line 19 through "required" in line 26 and insert "Has given his or her deposition in the case".

Mrs. Witek asked unanimous consent to print the following amendment to LB 886 in the Journal. No objections. So ordered.

AM2753

(Amendments to Standing Committee amendments, AM1606)

1. Strike section 21 and all amendments thereto and insert the following new section:

"Sec. 21. Section 48-1116, Reissue Revised Statutes of

Nebraska, is amended to read:

48-1116. There is ~~hereby~~ established an Equal Opportunity Commission to ~~consist of seven members to be appointed by the Governor. Terms of members shall be three years. As the terms of the members expire, the Governor shall appoint or reappoint the members of the commission for terms of three years to succeed the members whose terms expire.~~

~~The commission shall elect one member to serve as chairperson of the commission. Four members of the commission shall constitute a quorum for the purpose of conducting the business thereof. Any action of the commission shall require at least four votes. A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission.~~

~~Members of the commission shall receive fifty dollars per day for their services and shall be reimbursed for their expenses actually and necessarily incurred in the performance of their duties as provided in sections 81-1174 to 81-1177. Reimbursement shall be for not more than two regular meetings per month and not more than three training sessions for any one fiscal year. Any member of the commission may be removed by the Governor for inefficiency, neglect of duty, misconduct, or malfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon.~~

~~The commission shall establish and~~ maintain ~~its principal office in the city of Lincoln and such other~~ offices within the state as ~~it may deem~~ deemed necessary. ~~The commission may meet and function at any place within the state.~~ The Governor shall appoint a director for the commission with the approval of a majority of the members of the Legislature. The term of the director shall begin upon appointment by the Governor and shall end upon the conclusion of the appointing Governor's term. The director shall be responsible to the Governor who at any time may remove the director for inefficiency, neglect of duty, misconduct, or malfeasance in office after being given a written statement of the charges and an opportunity to be heard thereon. The Governor shall establish the terms of compensation for the director of the commission.

The director shall, pursuant to the rules and regulations of the personnel division of the Department of Administrative Services, supervise and prescribe duties for all personnel. The director may contract with any additional persons pursuant to rules and regulations of the personnel division of the Department of Administrative Services. ~~The commission shall appoint an executive director who shall be directly responsible to the commission.~~ The ~~executive~~ director may appoint such assistants, clerks, agents, and other employees as such ~~executive~~ director may deem necessary, fix their compensation within the limitations provided by law, and prescribe duties of such employees. The ~~executive~~ director may

appoint additional staff as ~~the commission deems~~ necessary.

The Attorney General shall represent and appear for the commission in all actions and proceedings involving any question under the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, or section 20-123, 20-124, or 20-132 and shall aid in any investigation or hearing had under either act or any of such sections. The commission shall have an official seal which shall be judicially noticed.".

2. On page 47, line 1, strike "members or" and show as stricken.

NOTICE OF COMMITTEE HEARINGS
Transportation

Governor Appointments Friday, January 19, 1996 12:30 p.m.
Board of Public Roads Classifications and Standards
Sharon Jackson
Eldon Orth
Henry Thieman

(Signed) Douglas Kristensen, Chairperson

Natural Resources

LB 1070 Wednesday, January 24, 1996 1:30 p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Robinson asked unanimous consent to permit the Government, Military and Veterans Affairs Committee to conduct its hearing on Wednesday, January 24, 1996, in Room 2102 instead of Room 1507. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 1060. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 939. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1042 and LB 1206. No objections. So ordered.

WITHDRAW - Cointroducers

Mr. Robinson withdrew his name as cointroducer to LB 1182.

Mr. Vrtiska withdrew his name as cointroducer to LB 1182.

VISITORS

Visitors to the Chamber were 4 second grade and 4 fourth grade students, teachers, and principal from Kenwood Elementary School, Kearney; Su Woollen from Wilcox; and Margy and Meghan Smith from Bellevue.

ADJOURNMENT

At 12:09 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, January 18, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY - JANUARY 18, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 18, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Dan Davis, Interchurch Ministries of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Brown and Witek who were excused; and Messrs. Abboud, Brashear, Bromm, Chambers, Engel, Hartnett, Landis, Lindsay, Preister, Robinson, Warner, Wesely, Will, Mmes. Bohlke, McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the ninth day was approved.

MOTION - Adopt Temporary Rules

Mr. Maurstad moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 18, 1996.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 1183, the referral of legislative bills 1209 through 1236, and legislative resolution 299CA.

LB	Committee
1183	Health and Human Services
1209	Judiciary
1210	Health and Human Services
1211	Urban Affairs
1212	Business and Labor
1213	Government, Military and Veterans Affairs
1214	Education
1215	Education
1216	Banking, Commerce and Insurance
1217	Revenue
1218	Transportation
1219	Judiciary
1220	Judiciary
1221	Judiciary
1222	Appropriations
1223	Government, Military and Veterans Affairs
1224	Natural Resources
1225	Government, Military and Veterans Affairs
1226	Natural Resources
1227	Judiciary
1228	Judiciary
1229	Transportation
1230	Business and Labor
1231	Urban Affairs
1232	Judiciary
1233	Banking, Commerce and Insurance
1234	Education
1235	Health and Human Services
1236	Health and Human Services

LR	Committee
299CA	Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Mr. Avery designates LB 1218 as his priority bill.

Mr. Vrtiska designates LB 1248 as his priority bill.

NOTICE OF COMMITTEE HEARING
Appropriations

Thursday, January 25, 1996, Room 1003 1:30 p.m.
Agency 15 - Board of Pardons and Board of Parole

(Signed) Roger R. Wehrbein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Mr. Beutler offered the following amendment:
AM2810
1. On page 2, line 2, strike "and" and insert a comma and before "Reissue" insert "70-906, and 70-907,".

The Beutler amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 891. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 892. 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 893. 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 894. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 895. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 896. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 897. 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 898. 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 899. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Member Excused

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

MOTION - Overrule Speaker's Agenda

Mr. Bernard-Stevens moved to overrule the Speaker's agenda and remove LB 900 from today's agenda.

Mr. Bernard-Stevens withdrew his motion.

GENERAL FILE

LEGISLATIVE BILL 900. Title read. Considered.

Standing Committee amendment, AM2793, found in the Journal on page 452, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 948. 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 949. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1285. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to the Mobile Home Landlord and Tenant Act; to amend sections 76-1450 and 76-1457, Reissue Revised Statutes of Nebraska; to define a term; to provide restrictions on the sale of a mobile home park; to provide exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1286. Introduced by Stuhr, 24; Hudkins, 21; Matzke, 47; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to judges; to amend sections 24-503, 24-809.04, and 24-1205 to 24-1206, Reissue Revised Statutes of Nebraska; to provide for additional county court judges; to change judicial vacancy provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1287. Introduced by Avery, 3; Pirsch, 10; Schmitt, 41; Witek, 31.

A BILL FOR AN ACT relating to constitutional amendments; to amend section 49-202, Reissue Revised Statutes of Nebraska; to change provisions relating to publication and distribution of proposed constitutional amendments; and to repeal the original section.

LEGISLATIVE BILL 1288. Introduced by Avery, 3.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-303 and 75-309.01, Revised Statutes Supplement, 1995; to change certificate of public convenience and necessity requirements as prescribed; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1289. Introduced by Avery, 3.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507, 77-3508, and 77-3509, Revised Statutes Supplement, 1995; to change the calculation of homestead exemptions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1290. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4602 and 77-4603, Revised Statutes Supplement, 1994; to change provisions relating to fund transfers and revenue forecasts; and to repeal the original sections.

LEGISLATIVE BILL 1291. Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-302.03, Reissue Revised Statutes of Nebraska; to change a penalty relating to the operation and parking of unregistered motor vehicles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1292. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to motorboats; to amend sections 37-1204, 37-1254.01 to 37-1254.06, 37-1254.08, 60-463, 60-473, 60-474, 60-480, 60-481, 60-487, 60-491, 60-497, 60-4,103, 60-4,104, 60-4,107 to 60-4,110, 60-4,122, and 60-4,148, Reissue Revised Statutes of Nebraska, sections 37-1291, 60-4,112, 60-4,114, 60-4,118.01, 60-4,118.03, and 60-4,120, Revised Statutes Supplement, 1994, and sections 37-1211, 60-462, 60-479, 60-484, 60-4,115, 60-4,118, and 60-4,119, Revised Statutes Supplement, 1995; to provide for and require operator's licenses or boater education programs for motorboat operators; to provide fees and penalties; and to repeal the original sections.

LEGISLATIVE BILL 1293. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to decommissioning water wells; to amend section 46-1405, Revised Statutes Supplement, 1995; to change provisions relating to cost sharing; and to repeal the original section.

LEGISLATIVE BILL 1294. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to petroleum release remedial action; to amend sections 66-1521 and 66-1522, Revised Statutes Supplement, 1994; to change remedial action fees and fee collection provisions; and to repeal the original sections.

LEGISLATIVE BILL 1295. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to education; to amend sections 79-3807, 79-3811, and 79-3817, Reissue Revised Statutes of Nebraska, and section 79-3803, Revised Statutes Supplement, 1995; to provide for inclusion of before-and-after-school programs in the state aid formula; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1296. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-517, 25-1901, 33-106.03, 42-119, 42-346, 42-348, 42-351, 42-352, 42-357, 42-812, 42-821, 42-822, 43-245, 43-512.17, 43-1743, 43-1803, 43-2904, and 71-615, Reissue Revised Statutes of Nebraska, sections 42-358.08, 42-364, 43-2,113, 43-512.04, and 43-1214.01, Revised Statutes Supplement, 1994, and sections 33-123 and 43-104, Revised Statutes Supplement, 1995; to change county court jurisdiction to include concurrent jurisdiction for domestic relations matters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1297. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes Supplement, 1994; to prohibit the sale, serving, or furnishing of alcoholic beverages to a visibly intoxicated person; to provide a penalty; to increase the penalty for third or subsequent suspensions for the same offense; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1298. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the Attorney General; to provide a duty with respect to the states boundary lines.

LEGISLATIVE BILL 1299. Introduced by Bohlke, 33; Withem, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-3814 and 79-3816, Revised Statutes Supplement, 1995; to change provisions relating to basic allowable growth rate and allowable growth range; to provide duties relating to legislation; and to repeal the original sections.

LEGISLATIVE BILL 1300. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Revised Statutes Supplement, 1994; to provide for the denial or limitation of certain requests by utilities; and to repeal the original section.

LEGISLATIVE BILL 1301. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-3805, 79-3807, and 79-3817, Reissue Revised Statutes of Nebraska, and sections 79-3801, 79-3803, 79-3806, and 79-3823, Revised Statutes Supplement, 1995; to provide for calculating base cost per student and adjusted base cost per student; to eliminate provisions relating to membership tiers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1302. Introduced by Bohlke, 33, at the request of the Governor.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-3822, Reissue Revised Statutes of Nebraska; to change data requirements; and to repeal the original section.

LEGISLATIVE BILL 1303. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to veterans; to amend sections 23-1114, 80-102, and 80-407, Reissue Revised Statutes of Nebraska; to change salary and work load provisions for veterans service officers; to change a levy provision related to veterans services; and to repeal the original sections.

LEGISLATIVE BILL 1304. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to plumbing codes; to amend section 18-1915, Reissue Revised Statutes of Nebraska, and section 23-172, Revised Statutes Supplement, 1994; to change provisions relating to a uniform code; and to repeal the original sections.

LEGISLATIVE BILL 1305. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to aeronautics; to adopt the Nebraska Essential Air Service Subsidy Act; and to provide for a surcharge.

LEGISLATIVE BILL 1306. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicle certificates of title; to amend section 60-106, Revised Statutes Supplement, 1994; to provide for salvage certificates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1307. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-497.01, 60-6,196, 60-6,206, 60-6,209, 60-6,211, and 60-6,211.05, Reissue Revised Statutes of Nebraska; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1308. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Public Service Commission; to provide powers and duties for the commission to regulate railroad carriers use of trackage; to provide a duty for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 1309. Introduced by Fisher, 35.

A BILL FOR AN ACT relating to the Public Service Commission; to provide for injunctions to restrain construction of certain railroad facilities; to provide a duty for the Revisor of Statutes; and to declare an emergency.

LEGISLATIVE BILL 1310. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to public housing; to amend sections 71-1519, 71-1522, and 71-1534, Reissue Revised Statutes of Nebraska; to change provisions relating to the creation of joint housing authorities; to redefine a term; to require the equal distribution of certain projects; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1311. Introduced by Pirsch, 10.

A BILL FOR AN ACT relating to county treasurers; to amend sections 14-554, 79-1004, and 79-1005, Reissue Revised Statutes of Nebraska, and section 79-1040, Revised Statutes Supplement, 1995; to eliminate provisions providing that treasurers in cities of the metropolitan class serve as ex officio treasurer of school districts within such cities; to provide for selection of a treasurer of the school district; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1004.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1312. Introduced by Withem, 14.

A BILL FOR AN ACT relating to child custody; to amend sections 42-364, 43-2,113, and section 43-1214.01, Revised Statutes Supplement, 1994; to change determination of custody provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1313. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to school district bonds; to amend section 10-702, Revised Statutes Supplement, 1994; to change requirements for voter approval; and to repeal the original section.

LEGISLATIVE BILL 1314. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-601 and 9-607, Revised Statutes Supplement, 1994, and section 9-629, Revised Statutes Supplement, 1995; to change provisions relating to the lottery, method of play, and distribution of proceeds; to define and redefine terms; to authorize the use of keno machines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1315. Introduced by Warner, 25; Jones, 43.

A BILL FOR AN ACT relating to ethanol; to amend section 81-1602, Reissue Revised Statutes of Nebraska, sections 66-1334, 66-1336, 66-1337, 66-1338, 66-1339, 66-1340, 66-1341, 66-1343, and 66-1347, Revised Statutes Supplement, 1994, and sections 66-1333 and 66-1345, Revised Statutes Supplement, 1995; to define a term; to eliminate the Nebraska Ethanol Board and the Agricultural Alcohol Fuel Tax Fund; to transfer funds; to change provisions relating to the Ethanol Development Act; to provide for a Director of Ethanol Marketing; to create an Ethanol Marketing Office within the State Energy Office; to harmonize provisions; to repeal the original sections; and to outright repeal section 66-1335, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 1316. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to child support; to amend sections 43-512.12 and 43-512.15, Reissue Revised Statutes of Nebraska, and sections 42-364, 42-364.16, 43-2,113, and 43-1214.01, Revised Statutes Supplement, 1994; to provide that the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1317. Introduced by Jensen, 20; Pirsch, 10.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend section 76-1446, Revised Statutes Supplement, 1995; to change the timeframe for commencement of a trial on an action for possession; and to repeal the original section.

LEGISLATIVE BILL 1318. Introduced by Hartnett, 45; Cudaback, 36; Janssen, 15; Klein, 19; Robak, 22; Vrtiska, 1.

A BILL FOR AN ACT relating to firefighters; to amend sections 35-508 and 35-513, Reissue Revised Statutes of Nebraska; to create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act; to state intent; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1319. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to educational service units; to amend section 79-2204, Reissue Revised Statutes of Nebraska; to change provisions relating to supplementary educational services; and to repeal the original section.

LEGISLATIVE BILL 1320. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1858, 77-1901, and 77-1902, Reissue Revised Statutes of Nebraska; to change provisions relating to liens on real estate for special assessments; and to repeal the original sections.

LEGISLATIVE BILL 1321. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-755, Reissue Revised Statutes of Nebraska; to provide a timeframe for the issuance of a warrant; and to repeal the original section.

LEGISLATIVE BILL 1322. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to housing; to adopt the Nebraska Affordable Housing Act.

LEGISLATIVE BILL 1323. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to state government; to amend section 81-1316, Reissue Revised Statutes of Nebraska; to change the number of employees an agency may exempt from the State Personnel System; and to repeal the original section.

LEGISLATIVE BILL 1324. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a gross receipts tax; to eliminate property tax levy authority; and to provide duties for the Tax Commissioner.

RESOLUTIONS

LEGISLATIVE RESOLUTION 302CA. Introduced by Avery, 3; Pirsch, 10; Schmitt, 41; Witek, 31.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be

submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XVI, section 1:

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be 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~~ such 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 of the total votes cast at such election. 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. 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 publishing requirements for proposed constitutional amendments.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 303CA. Introduced by Bohlke, 33; Bromm, 23.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 6:

VII-6 "No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be ~~vested,~~ under the direction of the Legislature, ~~, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature,~~

~~with such qualifications and for such terms and compensation as the Legislature may provide.~~".

Sec. 2. 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 management of educational lands be under the direction of the Legislature and to eliminate references to the Board of Educational Lands and Funds.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 304. Introduced by Robinson, 16.

WHEREAS, the Oakland-Craig High School Knights football team finished the 1995 season with a perfect 13-0 record; and

WHEREAS, the Oakland-Craig Knights won the 1995 Nebraska Class C2 State Football Championship, which is Oakland-Craig High School's first state championship in football.

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

1. That the Legislature commends the Oakland-Craig High School Knights football team, Head Coach Clark Benne, Assistant Coach Rusty Droescher, and Volunteer Coaches Dan Enstrom and Aaron Arlton on their perfect record and 1995 championship season.

2. That copies of this resolution be sent to Oakland-Craig High School.

Laid over.

LEGISLATIVE RESOLUTION 305. Introduced by Robinson, 16.

WHEREAS, Kelly P. Ryan was born in Washington County, Nebraska, on April 16, 1919, and was raised in Washington County; and

WHEREAS, Mr. Ryan founded the Kelly Ryan Equipment Company in Blair, where he designed, manufactured, and distributed farm equipment for fifty years; and

WHEREAS, Mr. Ryan contributed immeasurably to the community of Blair, not only through the vitality of his business enterprise, but also as a real estate developer, volunteer firefighter, benefactor of numerous civic projects, and supporter of Little League Baseball; and

WHEREAS, Mr. Ryan passed away January 9, 1996, in Blair.

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

1. That the Legislature extends its sympathy to the family of Kelly P. Ryan.

2. That a copy of this resolution be sent to Mrs. Mardelle Ryan.

Laid over.

LEGISLATIVE RESOLUTION 306. Introduced by Robinson, 16.

WHEREAS, the Blair High School Lady Bears volleyball team finished the 1995-96 season with an overall record of 25 wins and 2 losses; and

WHEREAS, the Lady Bears are 1995-96 Eastern Midlands Conference Champions; and

WHEREAS, the Lady Bears won the 1995-96 Nebraska Class B State Volleyball Championship.

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

1. That the Legislature commends the Blair High School Lady Bears volleyball team, Head Coach Laurel Derrey, and Assistant Coaches Pam Gross and Rochelle Krull on their championship season.

2. That copies of this resolution be sent to Blair High School.

Laid over.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 464. Placed on General File as amended.
Standing Committee amendment to LB 464:
AM2731

1. Strike original sections 2 and 15 and insert the following new sections:

"Sec. 2. Section 37-1214, Revised Statutes Supplement, 1995, is amended to read:

37-1214. Except as otherwise provided in section 37-1211, the owner of each motorboat shall register such vessel every three years. The owner of such vessel shall file an application for a certificate of number pursuant to section 37-1216 with the county treasurer of the county in which the applicant resides on forms approved and provided by the commission and, for applications made on or after January 1, 1997, shall present the certificate of title acquired pursuant to sections 37-1275 to 37-1287. The application shall be signed by the owner of the vessel, shall contain the year manufactured, shall contain a copy of the certificate of title for applications made on or after January 1, 1997, and shall be accompanied by a fee for the three-year period of not less than fifteen dollars and not more than twenty dollars for Class 1 boats, not less than thirty dollars

and not more than forty dollars for Class 2 boats, not less than forty-five dollars and not more than sixty dollars for Class 3 boats, and not less than seventy-five dollars and not more than one hundred dollars for Class 4 boats, as established by the commission pursuant to section 81-814.02.

Sec. 15. Section 37-1287, Revised Statutes Supplement, 1995, is amended to read:

37-1287. (1) Commencing January 1, 1997, the ~~county clerks~~ designated county officials or the Department of Motor Vehicles shall charge a fee of ~~ten~~ six dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The ~~county clerks~~ designated county officials shall retain for the county four dollars of the ~~ten~~ six dollars charged for each certificate of title and two dollars for each notation of lien. The remaining amount of the fee charged for the certificate of title and notation of lien under this subsection shall be remitted to the State Treasurer for credit to the General Fund.

(2) Commencing January 1, 1997, the ~~county clerks~~ designated county officials or the department shall charge a fee of ten dollars for each replacement or duplicate copy of a certificate of title, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refiling a certificate of title pursuant to section 37-1279. Such fees shall be remitted by the county or the department to the State Treasurer for credit to the General Fund.

(3) Commencing January 1, 1997, in addition to the fees prescribed in subsections (1) and (2) of this section, the ~~county clerks~~ designated county officials or the department shall charge a fee of four dollars for each certificate of title, each replacement or duplicate copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The ~~county clerks~~ designated county officials or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4) The ~~county clerks~~ designated county officials shall remit fees due the State Treasurer for credit to the General Fund under this section monthly and not later than the fifth day of the month following collection. The ~~county clerks~~ designated county officials shall remit fees not due to the State Treasurer for credit to the General Fund to their respective county treasurers who shall credit the fees to the county general fund.".

2. On page 5, line 28, strike "XX" and insert "7".

3. On page 22, line 23, strike "37-1214,"; in line 24 strike "37-1287" and insert "37-1286"; and in line 25 after the second comma insert "and sections 37-1214 and 37-1287, Revised Statutes Supplement, 1995,".

(Signed) Doug Kristensen, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 986. Placed on General File.
LEGISLATIVE BILL 1075. Placed on General File.

(Signed) Bob Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 1018	Tuesday, January 30, 1996	1:30 p.m.
LB 1026	Tuesday, January 30, 1996	1:30 p.m.
LB 1027	Tuesday, January 30, 1996	1:30 p.m.
LB 1103	Tuesday, January 30, 1996	1:30 p.m.
LB 1104	Tuesday, January 30, 1996	1:30 p.m.
LB 1137	Tuesday, January 30, 1996	1:30 p.m.
LB 1218	Tuesday, January 30, 1996	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Government, Military and Veterans Affairs

LB 904	Thursday, January 25, 1996	1:30 p.m.
LB 907	Thursday, January 25, 1996	1:30 p.m.
LR 278CA	Thursday, January 25, 1996	1:30 p.m.
LB 1160	Thursday, January 25, 1996	1:30 p.m.
LR 279CA	Friday, January 26, 1996	1:30 p.m.
LB 1147	Friday, January 26, 1996	1:30 p.m.
LB 1161	Friday, January 26, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LB 942	Thursday, January 25, 1996	1:30 p.m.
LB 947	Thursday, January 25, 1996	1:30 p.m.
LB 1021	Thursday, January 25, 1996	1:30 p.m.
LB 1197	Thursday, January 25, 1996	1:30 p.m.
LB 1198	Thursday, January 25, 1996	1:30 p.m.
LB 1206	Thursday, January 25, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

MOTION - Adopt Rules

The Will pending motion to adopt the permanent rules for the Ninety-Fourth Legislature, Second Session, was renewed.

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

Messrs. Withem, Chambers, and Will offered the following amendment to the permanent rules, as amended:

Amend proposed rule amendment #5 by striking the last sentence of the Chambers' amendment and inserting:

"All amendments which are approximately ten pages or more shall be noted in the Daily Journal as on file in the Bill Room or the Clerk's Office."

The Withem et al. amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

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

Mr. Withem renewed his pending amendment found in the Journal on page 293.

The Withem amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Messrs. Cudaback and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a roll call vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 28:

Avery	Engel	Klein	Pedersen	Vrtiska
Bohlke	Hartnett	Kristensen	Pirsch	Warner
Bromm	Hudkins	Landis	Robinson	Wehrbein
Coordsen	Janssen	Matzke	Schrock	Wesely
Dierks	Jensen	Maurstad	Stuhr	Withem
Elmer	Jones	McKenzie		

Voting in the negative, 6:

Bernard-Stevens	Chambers	Lynch	Preister	Schimek
	Lindsay			

Present and not voting, 7:

Beutler	Crosby	Hillman	Schellpeper	Schmitt
Brashear	Fisher			

Excused and not voting, 8:

Abboud	Cudaback	Robak	Will	Witek
Brown	Hilgert	Wickersham		

The motion to adopt the permanent rules, as amended, prevailed with 28 ayes, 6 nays, 7 present and not voting, and 8 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1325. Introduced by Warner, 25.

A BILL FOR AN ACT relating to county treasurers; to amend sections 16-318, 23-1402, 33-114, and 46-136, Reissue Revised Statutes of Nebraska, and sections 14-554 and 77-3523, Revised Statutes Supplement, 1994; to eliminate collection fees for property tax and homestead reimbursement revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1326. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to health care; to authorize peer review committees for health clinics and health practitioner organizations and associations; to provide privileges from the disclosure of certain information; and to authorize the disclosure of information.

LEGISLATIVE BILL 1327. Introduced by Wesely, 26; Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 1994; to increase the cigarette tax; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1328. Introduced by Wesely, 26; Warner, 25.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change the rate of taxation; and to repeal the original section.

LEGISLATIVE BILL 1329. Introduced by Crosby, 29; Lynch, 13.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-1501.01, Revised Statutes Supplement, 1995; to authorize purchase of service relating to service in private, denominational, and parochial schools; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1330. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to amend section 82-315, Reissue Revised Statutes of Nebraska; to create a trust fund; to provide funding; to provide for expenditure of the fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1331. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Department of Correctional Services; to provide for certification of staff as prescribed.

LEGISLATIVE BILL 1332. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 1994; to change the property tax exemption for religious and charitable organizations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1333. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1102, 28-1103, 28-1104, 28-1105, and 28-1109, Reissue Revised Statutes of Nebraska; to change provisions relating to bookmaking; to eliminate provisions prohibiting a defense to prosecution; to repeal the original sections; and to outright repeal section 28-1110, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1334. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to gambling; to create the Nebraska Gambling Commission; to provide powers and duties; to provide for the dissolution of the commission; and to state intent relating to the adoption of a constitutional amendment.

LEGISLATIVE BILL 1335. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to elections; to amend section 10-703, Reissue Revised Statutes of Nebraska, and sections 10-702, 18-2521, and 32-559, Revised Statutes Supplement, 1994; to change and eliminate provisions regarding school bond elections and other special elections; to harmonize provisions; to repeal the original sections; and

to outright repeal section 10-703.01, Revised Statutes Supplement, 1994.

LEGISLATIVE BILL 1336. Introduced by Klein, 19; McKenzie, 34.

A BILL FOR AN ACT relating to the Nebraska Corn Resources Act; to amend sections 2-3601, 2-3603, 2-3614, 2-3623, and 2-3628, Reissue Revised Statutes of Nebraska; to define a term; to change membership vacancy, fee, and refund provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1337. Introduced by Withem, 14; Hudkins, 21; Wesely, 26.

A BILL FOR AN ACT relating to schools; to amend sections 79-101.01, 79-402, 79-402.13, 79-402.15, 79-402.20, 79-426.08, 79-426.15, and 79-428.16, Reissue Revised Statutes of Nebraska; to change provisions relating to school district boundary changes; to eliminate provisions relating to reorganization; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-402.17 to 79-402.19, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1338. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the State Government Effectiveness Act; to amend sections 81-2706 and 81-2707, Revised Statutes Supplement, 1995; to change the duties of the Public Counsel; to change hearing and appeal provisions; and to repeal the original sections.

LEGISLATIVE BILL 1339. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201 to 58-203, 58-207, 58-219, 58-230, 58-239, 58-239.02, and 58-251, Reissue Revised Statutes of Nebraska; to provide for safe drinking water project funding, microenterprise loans, guarantee programs, and grant authority; to change authority meeting provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1340. Introduced by Hilgert, 7.

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

LEGISLATIVE BILL 1341. Introduced by Hilgert, 7; Lindsay, 9; Preister, 5.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320.01, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation and parking of unregistered motor vehicles; to require In Transit decals; to eliminate a provision relating to motor vehicle purchases from the state or its political subdivisions; to harmonize provisions; and to repeal the original section.

GENERAL FILE

LEGISLATIVE RESOLUTION 17CA. Read. Considered.

Standing Committee amendment, AM0265, found in the Journal on page 732, First Session, 1995, was considered.

Ms. Schimek renewed her pending amendment, AM0622, found in the Journal on page 951, First Session, 1995, to the Standing Committee amendment.

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.

Ms. Schimek withdrew her amendment.

Mr. Wesely renewed his pending amendment, AM0989, found in the Journal on page 201, to the Standing Committee amendment.

Messrs. Schellpeper and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Wesely amendment lost with 18 ayes, 20 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1342. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to truancy; to amend section 79-211, Reissue Revised Statutes of Nebraska; to provide for imposition of penalties; and to repeal the original section.

LEGISLATIVE BILL 1343. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601 and 29-3603, Reissue Revised Statutes of Nebraska; to change provisions relating to pretrial diversion; and to repeal the original sections.

LEGISLATIVE BILL 1344. Introduced by Robak, 22.

A BILL FOR AN ACT relating to age of majority; to amend section 43-2101, Reissue Revised Statutes of Nebraska; to provide ending minority upon leaving home voluntarily as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1345. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend section 9-651, Reissue Revised Statutes of Nebraska, and sections 9-601, 9-607, and 9-646.01, Revised Statutes Supplement, 1994; to redefine a term; to change provisions relating to tickets; to provide for licenses for organizations licensed to conduct horseracing; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1346. Introduced by Lindsay, 9.

A BILL FOR AN ACT relating to legal services for the indigent; to amend section 33-106, Reissue Revised Statutes of Nebraska, and section 33-123, Revised Statutes Supplement, 1995; to provide court fees; to create a fund; to provide duties for the State Court Administrator; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1347. Introduced by Schellpeper, 18; Avery, 3; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Pirsch, 10; Schmitt, 41.

A BILL FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Right to Carry a Concealed Handgun License Act; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1348. Introduced by Bromm, 23; Jensen, 20; Pirsch, 10.

A BILL FOR AN ACT relating to employment; to limit liability for damages in actions relating to job references; and to define terms.

LEGISLATIVE BILL 1349. Introduced by Bromm, 23; Klein, 19.

A BILL FOR AN ACT relating to children; to amend section 43-272, Reissue Revised Statutes of Nebraska; to adopt the Court Appointed Special Advocate Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1350. Introduced by Fisher, 35; Hilgert, 7; Hudkins, 21; Lynch, 13; Pedersen, 39; Pirsch, 10; Robak, 22.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1418, 28-1419, 28-1421 to 28-1423, 28-1425, and 28-1426, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to tobacco licenses and tobacco products and minors; to require posting of signs; to provide penalties; to authorize testing for compliance by law enforcement; to create a fund; to provide for rules and regulations; to eliminate provisions relating to misrepresentation of age and transfer of tobacco licenses; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-1427 and 28-1428, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1351. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to ambulance districts; to amend sections 13-503 and 13-2202, Revised Statutes Supplement, 1994, and section 84-304, Revised Statutes Supplement, 1995; to adopt the Ambulance District Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1352. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3290, Reissue Revised Statutes of Nebraska; to provide for fees; and to repeal the original section.

LEGISLATIVE BILL 1353. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreational trails; to amend section 37-1501, Reissue Revised Statutes of Nebraska; to provide for an official recreational trails plan; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1354. Introduced by Hartnett, 45; Avery, 3; Pedersen, 39; Robinson, 16; Withem, 14.

A BILL FOR AN ACT relating to motor vehicle tax; to amend sections 14-109 and 15-207, Reissue Revised Statutes of Nebraska, and section 18-1214, Revised Statutes Supplement, 1994; to change provisions for collection of motor vehicle tax and motor vehicle registration and license fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1355. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 32-1302, Revised Statutes Supplement, 1994; to provide procedures for the recall of members of the board of trustees of sanitary and improvement districts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1356. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2118, Reissue Revised Statutes of Nebraska, section 18-2103, Revised Statutes Supplement, 1994, and section 18-2107, Revised Statutes Supplement, 1995; to change provisions relating to community redevelopment authorities; and to repeal the original sections.

LEGISLATIVE BILL 1357. Introduced by Withem, 14.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.01, Reissue Revised Statutes of Nebraska; to change numbers assigned to counties; and to repeal the original section.

LEGISLATIVE BILL 1358. Introduced by Withem, 14; Will, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-305.01, 60-311.01, 60-311.10, 60-311.13, 60-315, 60-323, 60-331, 60-1901, 60-1902, 60-1903, and 60-1908, Reissue Revised Statutes of Nebraska, section 60-311, Revised Statutes Supplement, 1994, and sections 60-311.11, 60-311.12, and 60-312, Revised Statutes Supplement, 1995; to provide for alpha-numeric license plate numbering as prescribed; to change provisions relating to message plates; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1359. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to public facilities; to adopt the Nebraska Municipal Development Fee Authorization Act; and to provide for severability.

LEGISLATIVE BILL 1360. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2116, Reissue Revised Statutes of Nebraska; to change provisions relating to redevelopment plan approval; and to repeal the original section.

LEGISLATIVE BILL 1361. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,137.01, Revised Statutes Supplement, 1994; to change the distribution formula for aid to incorporated municipalities; and to repeal the original section.

LEGISLATIVE BILL 1362. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727.03 and 31-755, Reissue Revised Statutes of Nebraska, and sections 31-739 and 77-1701, Revised Statutes Supplement, 1995; to change provisions relating to district statements, tax levies, and tax statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1363. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-504 and 77-1701, Revised Statutes Supplement, 1995; to provide for a separate levy statement in municipal budgets and tax statements; and to repeal the original sections.

LEGISLATIVE BILL 1364. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3,119 and 77-27,137.01, Revised Statutes Supplement, 1994; to change the distribution formula for aid to incorporated municipalities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1365. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16; Will, 8.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-763, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to districts formed under Act of 1947; to harmonize provisions; to repeal the original section; and to outright repeal sections 31-701 to 31-704, 31-705.01, 31-706, 31-708 to 31-710, 31-711.01 to 31-715, and 31-717 to 31-726, Reissue Revised Statutes of Nebraska, section 31-726.01, Revised Statutes Supplement, 1994, and sections 31-705, 31-707, and 31-711, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1366. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5508, Revised Statutes Supplement, 1994, and section 71-5102, Revised Statutes Supplement, 1995; to provide for air ambulance service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1367. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 79-4003, Reissue Revised Statutes of Nebraska, section 9-836.01, Revised Statutes Supplement, 1994, and sections 9-812 and 79-3812, Revised Statutes Supplement, 1995; to change the distribution of lottery proceeds; to provide a termination date for a fund and a council; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1368. Introduced by Brashear, 4; Avery, 3; Bernard-Stevens, 42; Bohlke, 33; Brown, 6; Crosby, 29; Hartnett, 45; Hilgert, 7; Jensen, 20; Klein, 19; Lindsay, 9; Maurstad, 30; Pedersen, 39; Pirsch, 10; Robinson, 16; Warner, 25; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4901 and 77-4925, Revised Statutes Supplement, 1995; to change provisions relating to the wage benefit credit under the act; to provide for an alternative use of the credit; to provide for calculation and applicability of the credit; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1369. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.13 and 77-2704.40, Revised Statutes Supplement, 1995; to redefine retail sales; to change provisions relating to mold, die, and pattern exemptions; and to repeal the original sections.

LEGISLATIVE BILL 1370. Introduced by Jones, 43.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3504, Revised Statutes Supplement, 1995; to exempt from household income one-time sales resulting from unexpected illness or injury; and to repeal the original section.

LEGISLATIVE BILL 1371. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-4,154.01, Reissue Revised Statutes of Nebraska; to change provisions relating to contracts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1372. Introduced by Bohlke, 33; McKenzie, 34; Robak, 22.

A BILL FOR AN ACT relating to Class III school districts; to amend sections 79-801 and 79-3403, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1373. Introduced by Warner, 25; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wesely, 26; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to create the Review Incentives Program Committee; and to provide powers and duties.

LEGISLATIVE BILL 1374. Introduced by Bromm, 23; Janssen, 15.

A BILL FOR AN ACT relating to schools; to adopt the Property Tax Reduction Act; and to declare an emergency.

LEGISLATIVE BILL 1375. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to state government; to prohibit certain contracts relating to fees for public records.

LEGISLATIVE BILL 1376. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Investment Finance Authority Act; to amend sections 58-201, 58-202, 58-203, 58-219, 58-230, and 66-1524, Reissue Revised Statutes of Nebraska, and sections 66-1501 and 66-1522, Revised Statutes Supplement, 1994; to provide for use of bonds to provide funding for the Petroleum Release Remedial Action Cash Fund; to change authority meeting provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1377. Introduced by Avery, 3; Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to counties; to amend section 23-120, Revised Statutes Supplement, 1995; to require elections on certain construction projects; and to repeal the original section.

LEGISLATIVE BILL 1378. Introduced by Hillman, 48; Engel, 17; Klein, 19; Robak, 22.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-245, 43-250, 43-251, 43-255, and 43-256, Reissue Revised Statutes of Nebraska, and section 43-253, Revised Statutes Supplement, 1994; to change provisions relating to temporary custody and detention or placement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1379. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101, 28-401, 28-405, 28-408, 28-410, 28-414, 28-438, and 28-445, Reissue Revised Statutes of Nebraska; to change provisions relating to controlled substances; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1380. Introduced by Lindsay, 9; Dierks, 40; Hilgert, 7; Jensen, 20.

A BILL FOR AN ACT relating to abortion; to amend section 28-332, Reissue Revised Statutes of Nebraska; to provide intent; to redefine a lawful abortion; to create a rebuttable presumption; to provide a cause of action; to create a penalty; to eliminate criminal provisions relating to viability; to harmonize provisions; to provide for intent related to severability; to repeal the original section; and to outright repeal sections 28-329 and 28-330, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1381. Introduced by Avery, 3; Hartnett, 45; Preister, 5; Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1347, Reissue Revised Statutes of Nebraska, and section 77-1344, Revised Statutes Supplement, 1994; to change a provision relating to valuation of agricultural and horticultural lands; to harmonize a provision; to repeal the original sections.

LEGISLATIVE BILL 1382. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Cash Fund; to amend sections 81-15,151 and 81-15,152, Reissue Revised Statutes of Nebraska, and section 66-1501, Revised

Statutes Supplement, 1994; to provide for transfers from the Wastewater Treatment Facilities Construction Loan Fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1383. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to outfitters and professional guides; to adopt the Outfitters and Professional Guides Licensing Act.

LEGISLATIVE BILL 1384. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3211.01, 31-409.03, 31-410.01, 31-414, 31-447, 31-450, 46-542, 46-544, 46-545, 46-548, 46-550, 46-553, 46-555, 46-556, 46-559, 46-567.01 to 46-567.05, 46-568, 46-583, 81-829.43, and 81-829.45, Reissue Revised Statutes of Nebraska, and sections 2-3225, 13-501, and 32-608, Revised Statutes Supplement, 1994; to reduce the levy limit for natural resources districts; to eliminate additional levy authority for natural resources districts; to provide a duty for drainage districts; to eliminate provisions relating to weather control districts and the authority of the state to modify weather; to eliminate ad valorem property tax authority for reclamation districts and certain drainage districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2401 to 2-2403, 2-2405, 2-2407 to 2-2408.01, 2-2409, 2-2428, 2-2429, 2-2431, 2-2432, 2-2438 to 2-2443, 2-2445, 2-2448, 2-2449, 31-411.02, 31-424, 31-424.01, 46-567.06, 46-673, and 46-674.19, Reissue Revised Statutes of Nebraska, sections 2-2406, 2-2430, 2-2433 to 2-2437, 2-2446, and 2-2447, Revised Statutes Supplement, 1994, and sections 2-2408.02, 2-2444, and 46-543, Revised Statutes Supplement, 1995.

LEGISLATIVE BILL 1385. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3203, 2-3207, 2-3211, and 2-3212, Reissue Revised Statutes of Nebraska; to reduce the maximum number of districts; to change provisions relating to approval of boundary changes, divisions, and mergers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1386. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-805.04, 81-809, and 81-810, Reissue Revised

Statutes of Nebraska; to provide for credentialing of certain federal officers as conservation officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1387. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to game and fish offenses; to amend section 37-537, Reissue Revised Statutes of Nebraska; to change permitted acts provisions; and to repeal the original section.

LEGISLATIVE BILL 1388. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; Preister, 5.

A BILL FOR AN ACT relating to game and parks; to amend sections 28-109, 28-1008, 29-215, 37-603, 49-801, 60-646, 81-805, 81-1401, 81-1417, and 83-1011, Reissue Revised Statutes of Nebraska, and section 60-489, Revised Statutes Supplement, 1994; to provide powers and duties for conservation and deputy conservation officers; to redefine terms; to provide a penalty; to add a member to the Nebraska Commission on Law Enforcement and Criminal Justice; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1389. Introduced by Natural Resources Committee: Avery, 3; Bohlke, 33; Bromm, 23; Elmer, 44; Jones, 43; McKenzie, 34; Preister, 5.

A BILL FOR AN ACT relating to animal control; to amend sections 37-306, 37-508, and 81-814.02, Reissue Revised Statutes of Nebraska, sections 37-304.01 and 37-511, Revised Statutes Supplement, 1994, and sections 37-102 and 37-201, Revised Statutes Supplement, 1995; to provide for destruction of certain animals causing property damage; to provide restrictions; to eliminate beaver or muskrat destruction permits; to harmonize provisions; to repeal the original sections; and to outright repeal section 37-304.02, Reissue Revised Statutes of Nebraska.

RESOLUTIONS

LEGISLATIVE RESOLUTION 307CA. Introduced by Withem, 14.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend and transfer Article III, sections 2 through 4, and to add new sections 1 through 4 to a new Article XVIII entitled "Initiatives and Referendums":

XVIII-1 "The first power reserved by the people is the initiative by which 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 is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in 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 has 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 are approved, the one receiving the highest number of affirmative votes shall 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. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-2 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which

the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-3 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Legislation which facilitates the operation of the initiative power means reasonable legislation enacted to prevent fraud, render intelligible the purpose of the proposed law or constitutional amendment, or ensure a fair, intelligent, and impartial result. Initiative and referendum measures 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, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

XVIII-4 "The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 1 through 3, of this Constitution. Article XVIII, sections 5 through 7, of this Constitution provide an alternative procedure for initiatives and referendums. If Article XVIII, sections 1 through 3, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 5 through 7, of this Constitution shall become effective and be given retroactive effect to the effective date of the 1996 constitutional amendment."

~~III-2~~ XVIII-5 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

~~III-3~~ XVIII-6 "The second power reserved is the referendum which may be invoked~~,~~ by petition~~,~~ against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than~~ registered voters equal in number to at least ten percent of the ~~registered voters of the state distributed as aforesaid~~ number of

votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

~~III-4~~ XVIII-7 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to ~~the~~ this Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, entitled, "Amendments" and the latter shall ~~in no case~~ not be construed to conflict ~~herewith~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. Legislation which facilitates the operation of the initiative power means reasonable legislation enacted to prevent fraud, render intelligible the purpose of the proposed law or constitutional amendment, or ensure a fair, intelligent, and impartial result. Initiative and referendum measures ~~All propositions submitted in pursuance hereof~~ shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures and to provide for an alternative number of signatures needed if the Nebraska Supreme Court or the

United States Supreme Court holds that Article XVIII, sections 1 through 3, are unconstitutional.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 308CA. Introduced by Withem, 14.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend and transfer Article III, sections 2 through 4, and to add new sections 1 through 4 to a new Article XVIII entitled "Initiatives and Referendums":

XVIII-1 "The first power reserved by the people is the initiative by which 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 is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in 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 has 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 are approved, the one receiving the highest number of affirmative votes shall 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. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators

shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-2 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-3 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum

measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing. The Legislature shall pass such laws as may be necessary or appropriate to help carry out the initiative and referendum processes. Initiative and referendum measures 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, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

XVIII-4 "The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 1 through 3, of this Constitution. Article XVIII, sections 5 through 7, of this Constitution provide an alternative procedure for initiatives and referendums. If Article XVIII, sections 1 through 3, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 5 through 7, of this Constitution shall become effective and be given retroactive effect to the effective date of the 1996 constitutional amendment."

~~III-2~~ XVIII-5 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the

state. ~~This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

~~III-3~~ XVIII-6 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against~~

~~which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than~~ registered voters equal in number to at least ten percent of the ~~registered voters of the state distributed as aforesaid~~ number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

~~III-4~~ XVIII-7 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to ~~the~~ this Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution, entitled, "Amendments" and the latter shall ~~in no case~~ not be construed to conflict ~~herewith~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing. The Legislature shall pass such laws as may be necessary or appropriate to help carry out the initiative and referendum processes. Initiative and referendum measures ~~, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof~~ shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or

more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures and to provide for an alternative number of signatures needed if the Nebraska Supreme Court or the United States Supreme Court holds that Article XVIII, sections 1 through 3, are unconstitutional.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 309CA. Introduced by Withem, 14.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend and transfer Article III, sections 2 through 4, and to add new sections 1 through 4 to a new Article XVIII entitled "Initiatives and Referendums":

XVIII-1 "The first power reserved by the people is the initiative by which 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 is for the enactment of a law, it shall be signed by registered voters of the state equal in number to at least twelve percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. If the petition is for the amendment of this Constitution, the petition shall be signed by registered voters equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for Governor at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in 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 has 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 are approved, the one receiving the highest number of affirmative votes shall 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. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-2 "The second power reserved by the people is the referendum which may be invoked by petition against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by registered voters of the state equal in number to at least ten percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of an act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by registered voters of the state equal in number to at least eighteen percent of the number of votes which were cast for Governor at the general election next preceding the filing of the petition, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators are explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. For purposes of this section, volunteer uncompensated

circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

XVIII-3 "The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of this Constitution, as the case may be, when a majority of the votes cast on the measure, and not less than thirty-five percent of the total vote cast at the election at which the measure was submitted, are cast in favor of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to this Constitution provided by this section shall be supplementary to the method prescribed in Article XVI of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum. Initiative and referendum measures 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, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition."

XVIII-4 "The Legislature recognizes that uncertainty exists in the constitutional validity of Article XVIII, sections 1 through 3, of this Constitution. Article XVIII, sections 5 through 7, of this Constitution provide an alternative procedure for initiatives and referendums. If Article XVIII, sections 1 through 3, of this Constitution are held to be unconstitutional in whole or in part by the Nebraska Supreme Court or the United States Supreme Court, upon the date of the court's opinion the provisions of Article XVIII, sections 5 through 7, of this Constitution shall become effective and be given retroactive effect to the effective date of the 1996 constitutional amendment."

~~III-2~~ XVIII-5 "The first power reserved by the people is the initiative ~~whereby~~ by which laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. To initiate the enactment of a law or the adoption of a constitutional amendment, a petition shall be circulated which contains the entire proposed law or constitutional amendment. The petition shall be filed with the Secretary of State. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall submit the proposed law or constitutional amendment to the

electors of the state at the first general election held not less than four months after the petition is filed. The required number of signatures for a law is at least seven percent of the number of votes which were cast for President at the general election next preceding the filing of the petition. The required number of signatures for a constitutional amendment is at least ten percent of the number of votes which were cast for President at the general election next preceding the filing of the petition. The distribution of the registered voters signing a petition for a law or a constitutional amendment shall include signatures equal in number to at least five percent of the number of votes cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election ~~be~~ are approved, the one receiving the highest number of affirmative votes shall ~~thereby~~ become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

~~III-3~~ XVIII-6 "The second power reserved is the referendum which may be invoked~~,~~ by petition~~,~~ against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. To refer an act or part of an act of the Legislature, a petition shall be circulated which sets out the title of the act against which the referendum is invoked and, if only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. The petition shall be filed with the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed has adjourned sine die or for more than ninety days. If the petition is signed by the required number of registered voters appropriately distributed, the Secretary of State shall refer the act or the part of the act to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of the petition. The required number of signatures is at least five percent of the number of

votes which were cast for President at the general election next preceding the filing of the petition. The distribution of the registered voters signing a referendum petition shall include signatures equal in number to at least five percent of the number of votes which were cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state. ~~Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.~~

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by ~~not less than~~ registered voters equal in number to at least ten percent of the ~~registered voters of the state distributed as aforesaid~~ number of votes which were cast for President at the general election next preceding the filing of the petition, distributed so as to include signatures equal in number to at least five percent of the number of votes which were cast for President at the general election next preceding the filing of the petition from each of at least two-fifths of the counties in the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state."

~~III-4~~ XVIII-7 "~~The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed.~~ The veto power of the Governor shall not extend to measures initiated by or referred to the people.

A measure initiated shall become a law or part of the Constitution, as the case may be, when a majority of the votes cast ~~thereon~~ on the measure, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the ~~same~~ measure was submitted, are cast in favor ~~thereof~~ of the measure, and the measure shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of ~~such~~ the votes. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president.

The method of submitting and adopting amendments to ~~the~~ this Constitution provided by this section shall be supplementary to the method prescribed in ~~the article~~ Article XVI of this Constitution,

entitled, "Amendments" and the latter shall ~~in no case~~ not be construed to conflict ~~herewith~~ with the provisions relating to initiative and referendum. The provisions with respect to the initiative and referendum shall be self-executing, but the Legislature may enact general laws that the Legislature deems necessary to carry out the provisions with respect to the initiative and referendum. Initiative and referendum measures ~~legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof~~ shall be submitted in a ~~non-partisan~~ nonpartisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot, and when two or more measures have the same title, they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition.".

Sec. 2. 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 the number of signatures needed and the method of calculating the number of signatures for initiative and referendum measures and to provide for an alternative number of signatures needed if the Nebraska Supreme Court or the United States Supreme Court holds that Article XVIII, sections 1 through 3, are unconstitutional.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 310CA. Introduced by Maurstad, 30.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 6 to Article IX, and repeal Article IX, section 2 and Article IX, section 5:

IX-6 "Notwithstanding any other provision in this Constitution to the contrary:

(1) The Legislature shall permit the merger and consolidation of local governments with like local governments in the same or adjacent counties, including, but not limited to, the merger and consolidation of municipalities with other municipalities in the same or adjacent counties, the merger and consolidation of counties with adjacent counties, and the merger and consolidation of any municipality with the county in which such municipality is located. No such merger and

consolidation shall occur without a vote of the people residing in each local government to be merged and consolidated;

(2) The Legislature shall permit any local government to provide services jointly by agreement with any other local government, regardless of the location of the local government in the state, including, but not limited to, the administration, financing arrangements, and utilization of land, equipment, and facilities;

(3) Any merger and consolidation of local governments and any agreement of local governments for the joint delivery of services shall be subject to initiative and referendum procedures established by the Legislature to govern all local governments; and

(4) Different tax rates may be levied within and outside the boundaries of municipalities and on different classes of property only when required by an agreement between local governments levying the taxes as a source of funds for a jointly operated service or when required by an agreement governing a merger and consolidation."

"Article IX, sections 2 and 5, of the Constitution of Nebraska are repealed.".

Sec. 2. 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 Legislature to permit the merger and consolidation of local governments, subject to a vote of the people in such local governments, to permit joint delivery of services by local governments, to permit different tax rates for such purposes, and to repeal provisions relating to changes to county boundaries and township organizations.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 311CA. Introduced by Jones, 43; Coordsen, 32; Schellpeper, 18.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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. The changes made to this section by this constitutional amendment apply commencing January 1, 1998."

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 apply commencing January 1, 1998."

VIII-14 "Commencing January 1, 1998, school districts and educational service units shall be prohibited from levying a property tax except for transportation and building maintenance and construction, including revenue bonds.".

Sec. 2. 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, except for transportation and building maintenance and construction,

commencing January 1, 1998, 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.

LEGISLATIVE RESOLUTION 312CA. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robak, 22; Robinson, 16; Will, 8.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 6:

VIII-6 "(1) The Legislature may vest the corporate authorities of cities, towns, and villages, with power to make local improvements, including facilities for providing ~~off-street~~ offstreet parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such ~~off-street~~ offstreet parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special assessments for the maintenance, repair, and reconstruction of such ~~off-street~~ offstreet parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within ~~off-street~~ offstreet parking districts created by and within any city or village on such terms as the Legislature may prescribe.

(2) The Legislature may provide by law that when a city or village and all or any portion of a sanitary and improvement district are merged, all or any portion of the indebtedness of the sanitary and improvement district existing on the effective date of the merger and arising from its issuance of general obligation bonds may, upon such terms and conditions as may be deemed appropriate by the Legislature, be paid through the levy of a tax by the city or village on the current taxable value of the property which was, prior to the merger, within the boundaries of the sanitary and improvement district which issued the bonds. During the period following the merger while such property of the former sanitary and improvement district is solely liable for the levy of taxes by the city or village for the payment of principal and interest on the indebtedness arising from the issuance of general

obligation bonds by the sanitary and improvement district, such property shall not be subject to the levy of any tax by the city or village for the payment of principal or interest on the indebtedness arising from the issuance of any general obligation bonds which were issued by the city or village prior to the effective date of the merger of the city or village and the property which was formerly within the sanitary and improvement district.".

Sec. 2. 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 the levy of a tax to pay indebtedness on bonds issued prior to a merger involving a sanitary and improvement district.

For

Against".

Referred to the Reference Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 700. Placed on Select File as amended.
E & R amendment to LB 700:
AM7169

1. In the Wickersham-Crosby amendment, AM2734:

a. Strike section 1 and insert the following new sections:

"Section 1. Section 24-701, Reissue Revised Statutes of Nebraska, is amended to read:

24-701. For purposes of sections 24-701 to 24-714 and sections 2 and 3 of this act, unless the context otherwise requires:

(1) Fund ~~shall mean~~ means the Nebraska Retirement Fund for Judges;

(2) Judge ~~shall mean and include~~ means and includes (a) all duly elected or appointed Chief Justices or judges of the Supreme Court and judges of the district courts of Nebraska who shall serve in such capacity on and after January 3, 1957, (b)(i) all duly appointed judges of the Nebraska Workmen's Compensation Court who served in such capacity on and after September 20, 1957, and prior to July 17, 1986, and (ii) judges of the Nebraska Workers' Compensation Court who shall serve in such capacity on and after July 17, 1986, (c) judges of separate juvenile courts, (d) judges of the county courts of the respective counties who shall serve in such capacity on and after January 5, 1961, except acting judges of the county court appointed pursuant to section 24-507, (e) judges of the county court and clerk magistrates who were associate county judges and members of the fund at the time of their appointment as clerk magistrates, (f) judges of municipal

courts established by Chapter 26, article 1, who served in such capacity on and after October 23, 1967, and prior to July 1, 1985, and (g) judges of the Court of Appeals;

(3) Prior service ~~shall mean~~ means all the periods of time any person has served as a (a) judge of the Supreme Court or judge of the district court prior to January 3, 1957, (b) judge of the county court prior to January 5, 1961, (c) judge of the Nebraska Workmen's Compensation Court prior to September 20, 1957, (d) judge of the separate juvenile court, or (e) judge of the municipal court prior to October 23, 1967;

(4) Current service ~~shall mean~~ means the period of service (a) any judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, (b)(i) any judge of the Nebraska Workmen's Compensation Court served in such capacity from and after September 20, 1957, and prior to July 17, 1986, and (ii) any judge of the Nebraska Workers' Compensation Court shall serve in such capacity on and after July 17, 1986, (c) any county judge shall serve in such capacity from and after January 5, 1961, (d) any judge of a separate juvenile court shall serve in such capacity, (e) any judge of the municipal court shall have served in such capacity subsequent to October 23, 1967, and prior to July 1, 1985, (f) any judge of the county court or associate county judge shall serve in such capacity subsequent to January 4, 1973, (g) any clerk magistrate, who was an associate county judge and a member of the fund at the time of appointment as a clerk magistrate, shall serve in such capacity from and after July 1, 1986, and (h) any judge of the Court of Appeals shall serve in such capacity on or after September 6, 1991;

(5) Military service ~~shall mean~~ means active service of (a) any judge of the Supreme Court or judge of the district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, if such service commenced while such judge was holding the office of judge, (b) any judge of the Nebraska Workmen's Compensation Court or the Nebraska Workers' Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, if such service commenced while such judge was holding the office of judge, (c) any judge of the municipal court in any of the armed forces of the United States during a war or national emergency prior or subsequent to October 23, 1967, and prior to July 1, 1985, if such service commenced while such judge was holding the office of judge, (d) any judge of the county court or associate county judge in any of the armed forces of the United States during a war or national emergency prior or subsequent to January 4, 1973, if such service commenced while such judge was holding the office of judge, (e) any clerk magistrate, who was an associate county judge and a member of the fund at the time of appointment as a clerk magistrate, in any of the armed forces of the United States during a war or national

emergency on or after July 1, 1986, if such service commenced while such clerk magistrate was holding the office of clerk magistrate, and (f) any judge of the Court of Appeals in any of the armed forces of the United States during a war or national emergency on or after September 6, 1991, if such service commenced while such judge was holding the office of judge. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(6) Total years of service ~~shall mean~~ means the total number of years served as a judge, including prior service, military service, and current service, computed to the nearest one-twelfth year;

(7) Salary ~~shall mean~~ means the statutory salary of a judge or the salary being received by such judge pursuant to law;

(8) Beneficiary ~~shall mean~~ means a person so designated by a judge in the last written designation of beneficiary on file with the board or, if no designated person survives or if no designation is on file, the estate of such judge;

(9) Normal form annuity ~~shall mean~~ means a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge as provided in sections 24-707 and 24-710. The first payment shall include all amounts accrued since the effective date of the award of the annuity. The last payment shall be at the end of the calendar month in which such judge dies. If at the time of death the amount of annuity payments such judge has received is less than contributions to the fund made by such judge, plus regular interest, the difference shall be paid to the beneficiary or estate;

(10) Board ~~shall mean~~ means the Public Employees Retirement Board;

(11) Member ~~shall mean~~ means a judge eligible to participate in the retirement system established under sections 24-701 to 24-714 and sections 2 and 3 of this act;

(12) Original member ~~shall mean~~ means a judge who first served as a judge prior to December 25, 1969, who does not elect to become a future member pursuant to subsection (8) of section 24-703 or section 24-710.01, and who was retired on or before December 31, 1992;

(13) Future member ~~shall mean~~ means a judge who first served as a judge on or after December 25, 1969, or ~~shall mean~~ means a judge who first served as a judge prior to December 25, 1969, who elects to become a future member on or before June 30, 1970, as provided in subsection (8) of section 24-703 or section 24-710.01;

(14) Final average compensation ~~shall mean~~ means the average monthly compensation for the last three years of service as a judge or, in the event of a judge serving less than three years, the average monthly compensation for such judge's period of service;

(15) Regular interest ~~shall mean~~ means the rate of interest earned each fiscal year commencing July 1, 1974, as determined by the board in conformity with actual and expected earnings on its investments, which may be credited monthly, quarterly, semiannually, or annually as the board may direct;

(16) Normal retirement date ~~shall mean~~ means the first day of the month following attainment of age sixty-five; ~~and~~

(17) Actuarial equivalence ~~shall mean~~ means the equality in value of the aggregate amounts expected to be received under different forms of payment. The determinations are to be based on the 1971 Group Annuity Mortality Table reflecting sex-distinct factors blended using seventy-five percent of the male table and twenty-five percent of the female table. An interest rate of seven percent per annum shall be reflected in making these determinations;

(18) Current benefit means the initial benefit increased by all adjustments made pursuant to section 3 of this act; and

(19) Initial benefit means the retirement benefit calculated at the time of retirement.

Sec. 12. Section 79-3811, Reissue Revised Statutes of Nebraska, is amended to read:

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 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)~~ (14) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-4,118;

~~(16)~~ (15) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

~~(17)~~ (16) All other noncategorical federal receipts;

~~(18)~~ (17) All receipts pursuant to Chapter 79, article 34; and

~~(19)~~ (18) 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.";

b. Renumber sections 16, 17, and 18 as sections 19, 17, and 18 respectively;

c. On page 6, line 14; and page 24, line 12, after "the" insert "retirement";

d. On page 13, line 12, after the second "the" insert "retirement";

e. On page 14, line 20, strike "after" and insert "following";

f. On page 15, line 1, strike "by" and show as stricken;

g. On page 16, line 15, strike "(4)" and insert "(3)"; and in line 24 strike "(5)" and insert "(4)";

h. On page 17, line 11, strike "(6)" and insert "(5)"; and in line 24 strike "(7)" and insert "(6)";

i. On page 22, line 19, after "Retirement" insert "System";

j. On page 23, line 19, strike "13 and 14" and insert "14 and 15";

k. On page 24, lines 3 and 14, strike "14" and insert "15"; and in 27 after "of" insert "such";

l. On page 25, line 10, after "sections" insert "24-701," and strike "and"; in line 11 after the first comma insert "and 79-3811,"; in lines 11 and 12 strike "section" through "1994,"; in line 16 after "to" insert "79-3509.01, 79-3509.03, and"; and in line 17 after "Nebraska" insert ", and section 79-3509.02, Revised Statutes Supplement, 1995"; and

m. Renumber the remaining sections accordingly.

2. On page 1, strike beginning with "79-1501" in line 1 through "1994" in line 4 and insert "24-701, 79-1501, 79-1522.01, 79-1551, and 79-3811, Reissue Revised Statutes of Nebraska, and sections 79-1501.01, 79-1531, and 81-2014, Revised Statutes Supplement, 1995"; in line 11 strike "to provide an operative date;"; in line 12 strike "and"; and in line 13 after "to" insert

"79-3509.01, 79-3509.03, and" and after "Nebraska" insert ", and section 79-3509.02, Revised Statutes Supplement, 1995; and to declare an emergency".

LEGISLATIVE BILL 847. Placed on Select File as amended. (E & R amendment, AM7173, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Warner filed the following amendment to LB 298A:
AM2798

1. On page 2, line 1, strike "$5,701,439" and insert "$6,501,895"; in line 2 strike "FY1996-97" and insert "FY1997-98"; and in line 4 strike "First" and insert "Second" and strike "1995" and insert "1996".

Mr. Warner filed the following amendment to LB 886:
AM2767

(Amendments to Standing Committee amendments, AM1606)

1. On page 7, line 24, before "Any" insert "(1)".
2. On page 8, line 7, before "After" insert "(2)".
3. On page 11, line 5, strike "their duties" and insert "the duties of the commission"; and strike beginning with the first comma in line 7 through line 11, show as stricken, and insert "be guilty of a Class IV misdemeanor.".
4. On page 27, line 15, strike the new matter.
5. On page 41, line 11, strike the last "or"; and in line 12 strike "department".
6. On page 44, line 11, strike "its" and insert "the".
7. On page 47, line 1, strike "duty", show as stricken, and insert "the duties of the commission".

Mr. Bernard-Stevens filed the following amendment to LB 624:
AM2759

1. On page 36, line 8, strike "and 79-485" and insert "79-485, and 79-4,148".

ANNOUNCEMENT

Mr. Jensen designates LB 1368 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 1208. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 1082. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 1368. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Natural Resources

LB 1226 Thursday, January 25, 1996 1:30 p.m.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 17CA. Mr. Lindsay withdrew his amendments, AM2748, AM2763, and AM2787, found in the Journal on pages 344, 371, and 460.

Messrs. Kristensen, Cudaback, Wehrbein, Schmitt, Elmer, Landis, Beutler, Mmes. Bohlke, and Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA392

Amend Committee Amendments by adding a new section:

"The following Senators shall be prohibited from participating in any floor proceedings relative to LR CA:

1. Bohlke	5. Hillman	9. Robak
2. Brown	6. Hudkins	10. Schimek
3. Chambers	7. McKenzie	11. Stuhr
4. Crosby	8. Pirsch	12. Witek."

Mrs. McKenzie and Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 1351. No objections. So ordered.

ADJOURNMENT

At 12:26 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Friday, January 19, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

ELEVENTH DAY - JANUARY 19, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 19, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastors Heidi and Lon Kvanli, St. Andrews Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Chambers, Elmer, Kristensen, Lindsay, Pedersen, Wesely, Wickersham, Will, Mmes. Bohlke, Hillman, and Hudkins who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1237 through 1284 and legislative resolutions 300CA and 301CA.

LB	Committee
1237	Urban Affairs
1238	Urban Affairs
1239	General Affairs
1240	General Affairs
1241	Natural Resources
1242	Judiciary
1243	Government, Military and Veterans Affairs

1244	Judiciary
1245	Revenue
1246	Revenue
1247	Government, Military and Veterans Affairs
1248	Government, Military and Veterans Affairs
1249	Judiciary
1250	Revenue
1251	Nebraska Retirement Systems
1252	Banking, Commerce and Insurance
1253	Revenue
1254	Education
1255	General Affairs
1256	Nebraska Retirement Systems
1257	Health and Human Services
1258	Banking, Commerce and Insurance
1259	Judiciary
1260	Judiciary
1261	Revenue
1262	Revenue
1263	Government, Military and Veterans Affairs
1264	Transportation
1265	Government, Military and Veterans Affairs
1266	Government, Military and Veterans Affairs
1267	Banking, Commerce and Insurance
1268	Banking, Commerce and Insurance
1269	Judiciary
1270	Revenue
1271	Judiciary
1272	Judiciary
1273	Nebraska Retirement Systems
1274	Banking, Commerce and Insurance
1275	Banking, Commerce and Insurance
1276	General Affairs
1277	General Affairs
1278	Health and Human Services
1279	Education
1280	Judiciary
1281	General Affairs
1282	Judiciary
1283	Judiciary
1284	Revenue

LR	**Committee**
300CA	Revenue
301CA	General Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENTS

Mr. Janssen designates LB 634 as his priority bill.

Mr. Withem designates LR 276CA as his priority resolution.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 18, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Shannon M. - Lincoln	Health Insurance Association of America
Assam, Fred - Sioux Falls, SD	O.N.E., Inc.
Bare, Larry - Lincoln	Mayor Mike Johanns
Begley, David D. - Omaha	Nebraska Brewing Company
Boucher Law Firm	
Boucher, Richard - Lincoln	American Massage Therapy Association Nebraska Chapter
Campbell, Leslie - Lincoln	American Massage Therapy Association Nebraska Chapter
Bredthauer, Trudy Saunders - Omaha	Nebraska Methodist Health System, Inc. Omaha Public Schools
Dugas, Brian - Lincoln	Citizens Committee
Eberly, Carolyn - Lincoln	Nebraska Parkinson's Action Information Network
Kissel/E&S Associates, L.L.C.	
Kissel, Gordon - Lincoln	Nebraska Telemarketers Coalition
Oertwich, P. Ann - Lincoln	Nebraska Nurses Association
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	American Plastics Council Columbia/HCA
Schoenrock, Robert L. - Lincoln	Brotherhood of Maintenance of Way Employees

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
State of Nebraska, Annual Financial Report

Auditor of Public Accounts, audit reports and/or management letters
Aeronautics, Department of

Chadron State College
Equal Opportunity Commission
Landscape Architects, State Board of
Lottery
Public Employees' Retirement Systems - State and County Employees' Retirement Plans
Peru State College
Racing Commission, State
Revenue, Department of, Charitable Gaming Division
Soybean Development, Utilization and Marketing Board
University of Nebraska
Wayne State College

Investment Finance Authority, Nebraska (NIFA)
Revolving Fund Revenue Bonds Quarterly Report (Neb.Rev.Stat. §58-270(4))

Law Enforcement and Criminal Justice, Commission on
Crime Victim's Reparations and Victim Assistance Grant Programs Annual Report

Racing Commission, State
Gambling in Nebraska and Neighboring State Report

Roads, Department of,
Highway Cash Fund and Roads Operation Cash Fund for December 1995 (section 66-4,144, R.S. Supp. 1994)

GENERAL FILE

LEGISLATIVE BILL 548. Considered.

PRESIDENT ROBAK PRESIDING

Messrs. Hartnett and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler asked unanimous consent to pass over LB 548. No objections. So ordered.

LEGISLATIVE BILL 750. Title read. Considered.

Standing Committee amendment, AM0941, found in the Journal on page 1112, and considered on page 2290, First Session, 1995, was renewed.

Mr. Beutler withdrew his amendment, FA233, found in the Journal on page 2308, First Session, 1995.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

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

Mr. Landis offered the following amendment:
AM2833

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the High-Level Nuclear Waste Liability Act.

Sec. 2. (1) The Legislature hereby finds and declares that the United States Congress has established in the Atomic Energy Act of 1954 and the Price-Anderson Amendments Act of 1988 (to the Atomic Energy Act), as amended, 42 U.S.C. 2011 et seq., a comprehensive program to address nuclear safety, financial assurance, and liability associated with the possession or use of high-level radioactive waste.

(2) The Legislature hereby finds and declares that the United States Nuclear Regulatory Commission has promulgated regulations to establish dose limits for protection against ionizing radiation.

(3) It is the intent of the Legislature to specify the legal standard of care to be applied by a court in a public liability action arising under 42 U.S.C. 2210, as the term "public liability action" is defined in 42 U.S.C. 2014.

Sec. 3. For purposes of the High-Level Nuclear Waste Liability Act, the definitions found in this section shall apply:

(1) Federal act means the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., including the Price-Anderson Amendments Act of 1988, Public Law 100-408, section 1, Aug. 20, 1988, 102 Stat. 1066;

(2) High-level radioactive waste means (a) fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing and (b) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from such liquid waste;

(3) Nuclear incident means any occurrence, except an extraordinary nuclear occurrence, declared, by the United States Nuclear Regulatory Commission or United States Secretary of Energy, within the state causing, within or outside such state, bodily injury, sickness, disease, or death or loss of or damage to property or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of high-level radioactive waste;

(4) Off-site means outside the boundaries of the site that produced, or is intended to be the place of confinement of,

high-level radioactive waste;

(5) Person means (a) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency, state, any political subdivision of a state, any foreign government or nation or political subdivision of any such government or nation, or other entity; and (b) any legal successor, representative, agent, or agency of the foregoing;

(6) Radiation dose limits means the regulations of the United States Nuclear Regulatory Commission that establish dose limits for protection against ionizing radiation resulting from activities conducted under licenses issued by the United States Nuclear Regulatory Commission, 10 C.F.R. Part 20; and

(7) Release or released means any off-site spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, or dumping of high-level radioactive waste that exceeds radiation dose limits.

Sec. 4. A court shall apply the radiation dose limits as the standard of care in an action brought under the federal act arising out of or resulting from a nuclear incident.

Sec. 5. Any person who produced, stored, arranged for off-site transportation of, or transported off-site high-level radioactive waste released in this state in a nuclear incident above the radiation dose limits may be held liable in an action brought under the federal act.

Sec. 6. The High-Level Nuclear Waste Liability Act shall not apply in the event of an extraordinary nuclear occurrence under the federal act.".

The Landis amendment was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 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.

ANNOUNCEMENTS

Mr. Bernard-Stevens designates LB 1141 as his priority bill.

Mrs. Robak designates LB 349 as her priority bill.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1036. Placed on General File as amended.
Standing Committee amendment to LB 1036:
AM2773

1. Insert the following new section:

"Sec. 11. Any corporation organized under the laws of

any other state or territory which had become, in accordance with section 21-20,122, as such section existed prior to January 1, 1996, a body corporate of this state, shall retain such status for all purposes notwithstanding the repeal of such section.".

2. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Friday, January 26, 1996 12:30 p.m.
State Highway Commission
Ron Books
George Miles

(Signed) Doug Kristensen, Chairperson

SELECT FILE

LEGISLATIVE BILL 592. E & R amendment, AM7139, printed separately from the Journal and referred to on page 1978, First Session, 1995, was adopted.

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

Mrs. Witek renewed her pending amendment, AM2380, found in the Journal on page 2431, First Session, 1995.

Messrs. Bernard-Stevens and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MR. KRISTENSEN PRESIDING

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

PRESIDENT ROBAK PRESIDING

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

Mrs. Witek withdrew her amendment.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 934. Placed on General File.
LEGISLATIVE BILL 984. Placed on General File.
LEGISLATIVE BILL 1038. Placed on General File.
LEGISLATIVE BILL 1039. Placed on General File.

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendment to LB 1040:
AM2808
1. Insert the following new section:
"Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 1166	Friday, January 26, 1996	1:30 p.m.
LB 1250	Friday, January 26, 1996	1:30 p.m.
LB 1246	Friday, January 26, 1996	1:30 p.m.
LB 1284	Friday, January 26, 1996	1:30 p.m.
LB 1245	Friday, January 26, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Natural Resources

LB 1241	Friday, January 26, 1996	1:30 p.m.
Governor Appointment Thomas J. O'Neill Jr. - Nebraska Game and Parks Commission	Friday, January 26, 1996	1:30 p.m.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Cudaback designates LB 964 as his priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 313. Introduced by Wehrbein, 2.

WHEREAS, Rodney Rhoden has graciously conveyed to the Nebraska Game and Parks Foundation property located in Cass County, Nebraska, holding great development potential for camping, hiking, scenic experiences, and related outdoor recreational 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 recreational 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 presently held in trust by the Nebraska Game and Parks Foundation.

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

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all the real estate described as follows:

A tract of land, being accretions to section 7, township 12 north, range 14 east of the 6th principal meridian, and section 18, township 12 north, range 14 east of the 6th principal meridian, Cass County, Nebraska, described as follows: Beginning at the southwest corner of the Plattsmouth Boat Club Subdivision (said point also being 5,012.69 feet north and 1,111.92 feet east of the southeast corner of said section 18); thence north 68 degrees, 17 minutes, 32 seconds west, 100.00 feet; thence south 21 degrees, 42 minutes, 28 seconds west, 800.00 feet; thence south 68 degrees, 17 minutes, 32 seconds east, 69.03 feet; thence south 21 degrees, 59 minutes, 4 seconds west, 66.00 feet; thence north 68 degrees, 17 minutes, 32 seconds west, 135.03 feet; thence north 12 degrees, 57 minutes, 29 seconds east, 1,544.96 feet; thence north 80 degrees, 41 minutes, 26 seconds east, 220.96 feet; thence north 35 degrees, 49 minutes, 322 seconds east, 972.29 feet; thence north 30 degrees, 54 minutes, 24 seconds east, 1,1183.17 feet; thence north 26 degrees, 0 minutes, 51 seconds east, 957.08 feet; thence north 14 degrees, 27 minutes, 5 seconds east, 558.07 feet to a point on the southerly boundary line of the Schilling Wildlife Game Refuge as surveyed by Thompson, Dreessen and Dorner; thence north 87 degrees, 48 minutes, 26 seconds east, along said south line, 448.89 feet to the right high bank of the Missouri River; thence south 13 degrees, 28 minutes, 3 seconds west, 1,209.81 feet; thence south 36 degrees, 32 minutes, 15 seconds west, 2,516.19 feet to the northeast corner of the Plattsmouth Boat Club Subdivision; thence south 80 degrees, 41 minutes, 26 seconds west, 610.84 feet; thence south 4 degrees, 48 minutes, 9 seconds east, 548.49 feet, to the point of beginning, such tract containing 47.82 acres, more or less.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as the Rhoden Wildlife Management Area.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 592. Mr. Beutler withdrew the Day amendment, AM2462, found in the Journal on page 2457, First Session, 1995.

Mr. Beutler renewed the pending amendment, AM1980, found in the Journal on page 2457, First Session, 1995.

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SPEAKER WITHEM PRESIDING

Mrs. Witek offered the following amendment:
FA393
Amend after the word "year" on line 17, page 12, insert "and the Director shall also report on the annual costs to administer the License Revocation Act."

Messrs. Hilgert and Klein asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Lindsay requested a roll call vote on the Witek amendment.

Voting in the affirmative, 22:

Abboud	Coordsen	Jones	Pirsch	Schrock
Avery	Cudaback	Kristensen	Robinson	Stuhr
Bernard-Stevens	Dierks	Lindsay	Schellpeper	Witek
	Elmer	Maurstad	Schmitt	Withem
Bromm	Jensen	Pedersen		

Voting in the negative, 21:

Beutler	Fisher	Janssen	Robak	Wehrbein
Bohlke	Hartnett	Landis	Schimek	Wesely
Brown	Hillman	McKenzie	Vrtiska	Wickersham
Crosby	Hudkins	Preister	Warner	Will
Engel				

Present and not voting, 1:

Brashear

Absent and not voting, 1:

Matzke

Excused and not voting, 4:

Chambers Hilgert Klein Lynch

The Witek amendment lost with 22 ayes, 21 nays, 1 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1041. Placed on General File.

LEGISLATIVE BILL 921. Placed on General File as amended.
Standing Committee amendment to LB 921:
AM2827

1. On page 2, line 13, strike beginning with the comma through "77-3502", show as stricken, and insert "and the income requirements, is eligible for exemption under 77-3507 to 77-3509".

LEGISLATIVE BILL 1122. Placed on General File as amended.
Standing Committee amendment to LB 1122:
AM2792

1. Insert the following new section:

"Sec. 2. Section 77-202.03, Revised Statutes Supplement, 1995, is amended to read:

77-202.03. (1)(a) A properly granted exemption of real or tangible personal property, except motor vehicles and real property used for cemetery purposes, provided for in subdivisions (1)(b) and (1)(c) of section 77-202 shall continue for a period of four years if the affidavit required by subsection (2) of this section is filed when due. The four-year period shall begin with years evenly divisible by four.

(b) A properly granted exemption of real property used for cemetery purposes provided for in subdivision (1)(c) of section 77-202 shall continue for a period of ten years. At the end of each ten-year period, the county board may renew the exemption for another ten years without reapplication. This subdivision shall apply to applications granted after August 25, 1989.

(2) In each intervening year occurring between application years, the organization or society which filed the granted exemption application for the real or tangible personal property, except motor vehicles and real property used for cemetery purposes, shall file an affidavit with the county assessor before January 1, on forms prescribed by the Property Tax Administrator,

certifying that the ownership and use of the exempted property has not changed during the year. Any organization or society which misses the January 1 deadline for filing the affidavit may file the affidavit by July 1. ~~for 1993 and by February 1 for all subsequent years.~~ Such filing shall maintain the tax-exempt status of the property without further action by the county and regardless of any previous action by the county board to deny the exemption due to late filing of the affidavit. Upon any such late filing, the county board may assess a penalty against such organization or society of ten percent of the tax that would have been assessed had the affidavit not been filed for each calendar month, or fraction thereof, after the January 1 in which the affidavit was filed.

(3) Prior to January 1 of any application year, a new application shall be filed with the county assessor as provided in section 77-202.01.

(4) If any organization or society seeks a tax exemption for any real or tangible personal property, except motor vehicles, acquired after January 1 of any year or converted to exempt use after January 1 of any year, the organization or society shall make application for exemption on or before August 15 of that year as provided in section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.07, except that the exempt use shall be determined as of the date of application. The exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed in accordance with subsections (1) and (2) of this section and section 77-202.01.

(5) In any year, the county assessor or the county board may cause a review of any exemption to determine whether the exemption is proper. Such a review may be taken even if the ownership or use of the property has not changed from the date of the allowance of the exemption. The review shall follow the procedure set out in section 77-202.02. If it is determined that a change in exempt status is warranted, the procedure for hearing set out in section 77-202.02 shall be followed. If an exemption is denied, the county board shall place the property on the tax rolls retroactive to January 1 of that year if on August 15 of that year the property no longer qualifies for an exemption.

(6) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation for that year pursuant to subdivisions (1)(b) and (1)(c) of section 77-202. Such list shall be grouped into categories as provided by the Property Tax Administrator. A copy of the list and proof of publication shall be forwarded to the Department of Revenue.".

2. On page 2, line 27, strike "section 77-202.01" and insert "sections 77-202.01 and 77-202.03"; and in line 28 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1097	Friday, January 26, 1996	1:30 p.m.
LB 1171	Friday, January 26, 1996	1:30 p.m.
LB 1219	Friday, January 26, 1996	1:30 p.m.
LB 1227	Friday, January 26, 1996	1:30 p.m.
LB 1228	Friday, January 26, 1996	1:30 p.m.
LB 1232	Friday, January 26, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

AMENDMENT - Print in Journal

Mrs. Witek filed the following amendment to LB 592:
FA394

Amend after the period on line 15, page 11, insert, "The license holder shall have a cause of action against the department if the license is found to have been revoked or suspended erroneously."

UNANIMOUS CONSENT - Add Cointroducers

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 1013. No objections. So ordered.

Messrs. Elmer, Dierks, Mmes. Witek, and Robak asked unanimous consent to have their names added as cointroducers to LB 1347. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 1206. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 1368. No objections. So ordered.

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 592A. No objections. So ordered.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1121. Placed on General File.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 38 fourth grade students and teacher from St. Mary's School, Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Monday, January 22, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWELFTH DAY - JANUARY 22, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 22, 1996

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Charles Borcherding, Redeemer Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Kristensen, Landis, Lynch, Schellpeper, Warner, Will, Mmes. Bohlke, Brown, McKenzie, Pirsch, and Stuhr who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

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 rereferral of legislative bill 1265, referral of legislative bills 1285 through 1332, 1334 through 1374, 1376 through 1389, and legislative resolutions 302CA, 303CA, and 307CA through 312CA.

LB	Committee
1265	Appropriations
1285	Judiciary
1286	Judiciary
1287	Government, Military and Veterans Affairs

1288 Transportation
1289 Revenue
1290 Revenue
1291 Transportation
1292 Natural Resources
1293 Natural Resources
1294 Revenue
1295 Education
1296 Judiciary
1297 General Affairs
1298 Judiciary
1299 Education
1300 Urban Affairs
1301 Education
1302 Education
1303 Government, Military and Veterans Affairs
1304 Urban Affairs
1305 Transportation
1306 Transportation
1307 Transportation
1308 Transportation
1309 Transportation
1310 Health and Human Services
1311 Urban Affairs
1312 Judiciary
1313 Government, Military and Veterans Affairs
1314 General Affairs
1315 Revenue
1316 Judiciary
1317 Judiciary
1318 Urban Affairs
1319 Education
1320 Revenue
1321 Urban Affairs
1322 Health and Human Services
1323 Government, Military and Veterans Affairs
1324 Revenue
1325 Revenue
1326 Health and Human Services
1327 Revenue
1328 Revenue
1329 Nebraska Retirement Systems
1330 Appropriations
1331 Government, Military and Veterans Affairs
1332 Revenue
1334 General Affairs
1335 Government, Military and Veterans Affairs
1336 Agriculture
1337 Education

1338 Government, Military and Veterans Affairs
1339 Banking, Commerce and Insurance
1340 General Affairs
1341 Transportation
1342 Judiciary
1343 Judiciary
1344 Health and Human Services
1345 General Affairs
1346 Judiciary
1347 Judiciary
1348 Judiciary
1349 Judiciary
1350 Judiciary
1351 Government, Military and Veterans Affairs
1352 Natural Resources
1353 Natural Resources
1354 Urban Affairs
1355 Urban Affairs
1356 Urban Affairs
1357 Transportation
1358 Transportation
1359 Urban Affairs
1360 Urban Affairs
1361 Revenue
1362 Urban Affairs
1363 Urban Affairs
1364 Revenue
1365 Urban Affairs
1366 Health and Human Services
1367 General Affairs
1368 Revenue
1369 Revenue
1370 Revenue
1371 Education
1372 Education
1373 Revenue
1374 Revenue
1376 Banking, Commerce and Insurance
1377 Government, Military and Veterans Affairs
1378 Judiciary
1379 Judiciary
1380 Judiciary
1381 Revenue
1382 Appropriations

1383	Natural Resources
1384	Natural Resources
1385	Natural Resources
1386	Natural Resources
1387	Natural Resources
1388	Judiciary
1389	Agriculture

LR	**Committee**
302CA	Government, Military and Veterans Affairs
303CA	Education
307CA	Government, Military and Veterans Affairs
308CA	Government, Military and Veterans Affairs
309CA	Government, Military and Veterans Affairs
310CA	Revenue
311CA	Revenue
312CA	Urban Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 313 was referred to the Reference Committee.

ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB 1076 and LB 1119 as its priority bills.

SELECT FILE

LEGISLATIVE BILL 592. Mrs. Witek renewed her pending amendment, FA394, found in the Journal on page 535.

Messrs. Wickersham and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Witek pending amendment:
FA395
Amend Witek Amendment:
After "department," insert, ", county attorney or authorized attorney"

Messrs. Schmitt, Avery, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY 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 record vote on his amendment.

Voting in the affirmative, 20:

Beutler	Cudaback	Jones	Pedersen	Schrock
Brashear	Hilgert	Lindsay	Preister	Wesely
Chambers	Hillman	Maurstad	Robak	Wickersham
Coordsen	Hudkins	McKenzie	Schimek	Witek

Voting in the negative, 14:

Bromm	Elmer	Janssen	Landis	Vrtiska
Crosby	Engel	Jensen	Matzke	Wehrbein
Dierks	Fisher	Klein	Pirsch	

Present and not voting, 3:

Hartnett	Robinson	Withem

Excused and not voting, 12:

Abboud	Bernard-Stevens	Brown	Schellpeper	Warner
Avery	Bohlke	Kristensen	Schmitt	Will
		Lynch	Stuhr	

The Chambers amendment lost with 20 ayes, 14 nays, 3 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie, Messrs. Wickersham, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a record vote on the Witek amendment.

Voting in the affirmative, 20:

Brashear	Cudaback	Jensen	Pedersen	Schrock
Brown	Dierks	Jones	Pirsch	Stuhr
Chambers	Hilgert	Lindsay	Preister	Witek
Coordsen	Hudkins	Maurstad	Robak	Withem

Voting in the negative, 16:

Beutler	Fisher	Janssen	Matzke	Vrtiska
Bohlke	Hartnett	Klein	Robinson	Wehrbein
Crosby	Hillman	Landis	Schimek	Wesely
Elmer				

Present and not voting, 1:

Engel

Excused and not voting, 12:

Abboud	Bernard-	Kristensen	Schellpeper	Wickersham
Avery	Stevens	Lynch	Schmitt	Will
	Bromm	McKenzie	Warner	

The Witek amendment lost with 20 ayes, 16 nays, 1 present and not voting, and 12 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Pedersen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1007. Placed on General File.

LEGISLATIVE BILL 962. Placed on General File as amended.
Standing Committee amendment to LB 962:
AM2839
1. Insert the following new section:
"Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 979. Placed on General File as amended.
Standing Committee amendment to LB 979:
AM2838
1. On page 2, line 23; page 3, lines 3, 13, and 25; page 4, line 27; page 5, line 3; page 6, line 21; page 7, lines 1, 12, and 24; and page 9, lines 9 and 13, before "contract" insert "construction, labor, or materials".
2. On page 8, line 26, after "village" insert "at least seven days prior to the bid closing".

(Signed) D. Paul Hartnett, Chairperson

Revenue

LEGISLATIVE BILL 1082. Placed on General File.

LEGISLATIVE BILL 1063. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 1145	Tuesday, January 30, 1996	2:00 p.m.
LB 1149	Tuesday, January 30, 1996	2:00 p.m.
LB 1138	Tuesday, January 30, 1996	2:00 p.m.
LB 1112	Tuesday, January 30, 1996	2:00 p.m.
LB 1140	Tuesday, January 30, 1996	2:00 p.m.
LB 1200	Monday, February 5, 1996	1:30 p.m.
LB 1214	Monday, February 5, 1996	1:30 p.m.
LB 1215	Monday, February 5, 1996	1:30 p.m.
LB 1319	Monday, February 5, 1996	1:30 p.m.
LB 1029	Tuesday, February 6, 1996	1:30 p.m.
LB 1030	Tuesday, February 6, 1996	1:30 p.m.
LB 1091	Tuesday, February 6, 1996	1:30 p.m.
LB 1295	Tuesday, February 6, 1996	1:30 p.m.
LB 1301	Tuesday, February 6, 1996	1:30 p.m.
LB 985	Monday, February 12, 1996	1:30 p.m.
LB 1205	Monday, February 12, 1996	1:30 p.m.
LB 1102	Monday, February 12, 1996	1:30 p.m.
LB 1371	Monday, February 12, 1996	1:30 p.m.
LR 303CA	Monday, February 12, 1996	1:30 p.m.
Governor Appointments	February 12, 1996	1:30 p.m.
Educational Lands and Funds Board		
Doc Kloepping		
John Feller		
LB 999	Tuesday, February 13, 1996	2:00 p.m.
LB 1116	Tuesday, February 13, 1996	2:00 p.m.
LB 1178	Tuesday, February 13, 1996	2:00 p.m.
LB 1234	Tuesday, February 13, 1996	2:00 p.m.
LB 1337	Tuesday, February 13, 1996	2:00 p.m.
LB 1372	Tuesday, February 13, 1996	2:00 p.m.

LR 280CA	Tuesday, February 20, 1996	1:30 p.m.
LB 944	Tuesday, February 20, 1996	1:30 p.m.
LB 1169	Tuesday, February 20, 1996	1:30 p.m.
LR 299CA	Monday, February 26, 1996	1:30 p.m.
LB 1117	Monday, February 26, 1996	1:30 p.m.
LB 1152	Monday, February 26, 1996	1:30 p.m.
LB 1254	Tuesday, February 27, 1996	2:00 p.m.
LB 1279	Tuesday, February 27, 1996	2:00 p.m.
LB 1299	Tuesday, February 27, 1996	2:00 p.m.
LB 1302	Tuesday, February 27, 1996	2:00 p.m.

(Signed) Ardyce Bohlke, Chairperson

Appropriations

Tuesday, January 30, 1996, Room 1520 1:30 p.m.
Agency 13 - State Department of Education
Agency 29 - Department of Water Resources
Agency 33 - Game and Parks Commission
Agency 84 - Department of Environmental Quality

Wednesday, January 31, 1996, Room 1003 1:30 p.m.
Agency 03 - Legislative Council
Agency 16 - Department of Revenue
Agency 69 - Nebraska Arts Council

Thursday, February 1, 1996, Room 1003 1:30 p.m.
Agency 31 - Military Department
Agency 54 - Nebraska State Historical Society
Agency 65 - Department of Administrative Services

(Signed) Roger R. Wehrbein, Chairperson

Health and Human Services

LB 1113	Thursday, February 1, 1996	1:30 p.m.
LB 1188	Thursday, February 1, 1996	1:30 p.m.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 592. Mr. Lindsay offered the following amendment:
AM2844

(Amendments to E & R amendments, AM7139)

1 1. Strike section 25.

2. Renumber the remaining sections and correct internal references accordingly.

Mmes. Robak and Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers offered the following amendment to the Lindsay pending amendment:
FA402
Amend Lindsay Amendment
Strike the language requiring that section 25 be stricken, and add after the period in line 21 on page 12:
"Each respective report shall include the number and type of license erroneously suspended or revoked."

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 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 592:
AM2849
(Amendments to E & R amendments, AM7139)
1. Strike the original sections and all amendments thereto and insert the following sections:
"Section 1. The Legislature finds and declares that the potential impoundment of a motor vehicle operator's license for failure to pay child, spousal, and medical support is an effective technique for the enforcement of support orders, particularly for non-wage-earning and self-employed license holders who are not in compliance with such orders. It is the intent of the Legislature:
(1) To encourage the use of proven techniques for the enforcement of support orders;
(2) To encourage such license holders to comply with their legal obligations and to add to the tools available for the enforcement of support and visitation orders; and
(3) In situations within the department's authorization,

to allow the Department of Social Services to communicate to individuals, who are not in compliance with a support order, the potential for impoundment of their motor vehicle operator's license under section 2 of this act.

Sec. 2. In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child, the court in enforcing its support order may use its contempt powers. Such contempt powers include ordering the impounding of a motor vehicle operator's license as specified by the court and ordering that the license holder not operate a motor vehicle during the period of impoundment. An abstract of the court record impounding a motor vehicle operator's license under this section shall be transmitted to the Department of Motor Vehicles.

Sec. 3. Section 42-364.15, Reissue Revised Statutes of Nebraska, is amended to read:

~~42-364.15.~~ In any proceeding when a court has ordered a parent to pay, temporarily or permanently, any amount to the clerk of the district court for the support of a minor child and in the same proceeding has ordered visitation with any minor child on behalf of such parent the court shall enforce its visitation orders as follows:

(1) Upon the filing of a motion which is accompanied by an affidavit stating that either parent has unreasonably withheld or interfered with the exercise of the court order after notice to the parent and hearing, the court shall enter such orders as are reasonably necessary to enforce rights of either parent, including the modification of previous court orders relating to visitation. The court may use contempt powers to enforce its court orders relating to visitation. Such contempt powers include ordering the impounding of a motor vehicle operator's license as specified by the court and ordering that the license holder not operate a motor vehicle during the period of impoundment. An abstract of the court record impounding a motor vehicle operator's license under this section shall be transmitted to the Department of Motor Vehicles. The court may require either parent to file a bond or otherwise give security to insure his or her compliance with court order provisions.

(2) Costs, including reasonable attorney's fees, may be taxed against a party found to be in contempt pursuant to this section.

Sec. 4. Original section 42-364.15, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. Bohlke, Messrs. Bromm, and Hartnett filed the following amendment to LB 592:

AM2854

(Amendments to E & R amendments, AM7139)

1. Insert the following new sections:

"Sec. 26. A representative Family Court Task Force shall be formed to study and propose legislation for introduction in the 1997 legislative session that will create a user-friendly, nonadversarial family court.

Sec. 37. Section 43-2906, Reissue Revised Statutes of Nebraska, is amended to read:

43-2906. ~~With the consent of both parties, a court may refer a case to court-based mediation, at no cost to the parties,~~ The court may order mediation based upon the request of either parent or upon the court's own motion and may state a date for the case to return to court, but such date shall be no longer than ninety days from the date the order is signed unless the court grants an extension. If the court refers a case to such mediation, the court may, if appropriate, order temporary support in order to meet the Nebraska Supreme Court rules for expedited process or case progression.

Sec. 38. Section 43-2913, Reissue Revised Statutes of Nebraska, is amended to read:

43-2913. The parenting plan shall contain custody and ~~visitation~~ parenting time arrangements, including a specific parenting-time schedule, apportionment of time with each party, and provisions for a remediation process regarding future modifications to such plan as provided in sections 43-2914 to 43-2916. The parenting plan shall address only issues regarding parenting functions. Other issues, including, but not limited to, property division and financial issues or child support, shall be specifically excluded from the parenting plan.".

2. On page 13, line 7, after the period insert "The court may order mediation upon the request of either parent or upon the court's own motion.".

3. On page 14, after line 2, insert the following new paragraph:

"In determining custody arrangements, upon the request of either parent the court shall require a specific parenting-time schedule."; and in line 9 strike "visitation", show as stricken, and insert "parenting time".

4. On page 25, line 9; page 26, lines 17, 23, and 24; page 27, lines 3, 12, and 27; page 28, lines 18 and 19; page 29, lines 17 and 27; page 30, lines 5 and 22; and page 31, line 4, strike "visitation" and insert "parenting time".

5. On page 32, line 27, after the comma insert "43-2906, and 43-2913,".

6. Renumber the remaining sections and correct internal references accordingly.

Ms. Schimek filed the following amendment to LB 592:
AM2859

(Amendments to AM2854)

1. On page 1, line 10, strike "The" and insert "Unless

2 subsection (2) of section 43-2904 or subdivision (1)(b) of section
3 43-2909 applies, the".

Mr. Chambers filed the following amendment to LB 592:
FA396
Amend AM7139
Page 1, line 6, Strike "all" and after "proven" insert "and experimental".

Mr. Chambers filed the following amendment to LB 592:
FA397
Amend AM7139
Page 1, line 10, Strike "is" and insert "may be".

Mr. Chambers filed the following amendment to LB 592:
FA398
Amend AM7139
Page 1, line 14, Strike "license holders" and insert "all person".

Mr. Chambers filed the following amendment to LB 592:
FA399
Amend AM7139
Page 1, line 15, Strike "tools" and insert "means".

Mr. Chambers filed the following amendment to LB 592:
FA400
Amend AM7139
Page 1, line 23, After "means" insert "court ordered"; and in line 24 after "children" add, "if the provision for support is part of an order, decree or judgment of a court of competent jurisdiction which provides for such support."

Mr. Chambers filed the following amendment to LB 592:
FA401
Amend AM7139
Page 25, lines 6-7, Strike, "The Legislature finds that matters" and insert, "Matters"; in line 9, strike "should" and insert "shall"; in line 10, strike "in an expeditious manner" and insert "on an expedited basis" and strike "needed"; in line 11, strike "quickly" and insert "expeditiously".

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1108. Placed on General File.

(Signed) Don Wesely, 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.

Board of Public Roads Classifications and Standards
Sharon Jackson
Eldon Orth
Henry Thieman

VOTE: Aye: Senators Avery, Coordsen, Jones, Kristensen, Matzke, Pedersen, and Pirsch. Nay: None. Absent: Senator Klein.

(Signed) Doug Kristensen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 1380. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 915 and LB 927. No objections. So ordered.

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 1380. No objections. So ordered.

Mr. Avery asked unanimous consent to have his name added as cointroducer to LB 1318. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 941. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 eighth grade students and sponsor from Helen Hyatt School, Lincoln; and Scott Anderson from Pius High School, Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Mr. Chambers, the Legislature adjourned until 9:00 a.m., Tuesday, January 23, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTEENTH DAY - JANUARY 23, 1996

LEGISLATIVE JOURNAL

THIRTEENTH DAY - JANUARY 23, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 23, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor G. Wesly Ballard, St. Luke United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Brashear, Chambers, Hartnett, Kristensen, Lindsay, Robinson, Wesely, Will, Mmes. Bohlke, and Brown who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 890. Placed on Select File as amended.
E & R amendment to LB 890:
AM7174
1. On page 1, line 1, strike "water" and insert "resources"; in line 2 after "1994" insert ", and provisions relating to a report due by December 31, 1988" and after "46-242.01" insert a comma; and in line 3 strike "and" and after the comma insert "70-906, and 70-907,".

LEGISLATIVE BILL 891. Placed on Select File.
LEGISLATIVE BILL 892. Placed on Select File.
LEGISLATIVE BILL 893. Placed on Select File.

LEGISLATIVE BILL 894. Placed on Select File.
LEGISLATIVE BILL 895. Placed on Select File.

LEGISLATIVE BILL 896. Placed on Select File as amended.
E & R amendment to LB 896:
AM7175

1. On page 1, line 4; and page 2, line 2, strike ", 1943".

LEGISLATIVE BILL 897. Placed on Select File.

LEGISLATIVE BILL 898. Placed on Select File as amended.
E & R amendment to LB 898:
AM7176

1. Insert the following new sections:

"Sec. 5. Section 77-2715.07, Revised Statutes Supplement, 1994, is amended to read:

77-2715.07. (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code;

(b) A credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code; and

(c) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to all individuals as a nonrefundable credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01; and

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income.

(3) There shall be allowed as a credit against the tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

~~(4) There shall be allowed to any health care provider a nonrefundable credit equal to the amount of tax paid under the Health Care Provider Income Tax Act.~~

Sec. 6. Section 77-2734.03, Revised Statutes Supplement, 1994, is amended to read:

77-2734.03. (1) Any (a) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (b) electric cooperative organized under the Joint Public Power Authority Act, or (c) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

~~(4) There shall be allowed to any health care provider a nonrefundable credit equal to the amount of tax paid under the Health Care Provider Income Tax Act.~~".

2. On page 1, line 2, strike "and" and after the last comma insert "77-2715.07, and 77-2734.03,"; and in line 7 before "and" insert ", 77-2727.01,".

3. On page 7, line 7, after the last comma insert "and"; in line 8 strike the first comma and show as stricken and strike "77-2715.07, 77-2727.01, and" and show the old matter as stricken; in line 9 strike "77-2734.03" and show as stricken; in line 11 strike "and"; in line 12 after the first comma insert "77-2715.07, and 77-2734.03,"; and in line 14 before "and" insert ", 77-2727.01,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 899. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 967. Placed on General File as amended.
Standing Committee amendment to LB 967:
AM2783

1. Insert the following new sections:

"Sec. 2. Section 32-606, Revised Statutes Supplement, 1994, is amended to read:

32-606. (1) Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607. If a candidate for an elective office is the incumbent, the deadline for filing the candidate filing form shall be February 15 prior to the date of the primary election. No incumbent who

resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office by March 1 prior to the date of the primary election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

(2) Any candidate for a county office in a county under township organization, the board of directors of a reclamation district, the board of directors of a public power district receiving annual gross revenue of less than forty million dollars, the school board of a Class II school district, or the board of an educational service unit may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in section 32-607 by August 1 prior to the date of the general election. All candidate filing forms which are mailed shall be in the office of the filing officer no later than the day of the filing deadline.

(3) Any city having a home rule charter may provide for filing deadlines for any person desiring to be a candidate for the office of council member or mayor.

Sec. 4. This act becomes operative on January 1, 1997.".

2. On page 4, line 24, strike "section 32-542" and insert "sections 32-542 and 32-606".

3. Renumber the remaining sections accordingly.

(Signed) C. N. "Bud" Robinson, Chairperson

Education

LEGISLATIVE BILL 935. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1333, 1375, and legislative resolution 313.

LB	Committee
1333	Judiciary
1375	Government, Military and Veterans Affairs

LR	Committee
313	Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 1120	Wednesday, January 31, 1996	1:30 p.m.
LB 1222	Wednesday, January 31, 1996	1:30 p.m.
LB 1330	Wednesday, January 31, 1996	1:30 p.m.
LB 1190	Thursday, February 1, 1996	1:30 p.m.
LB 1265	Thursday, February 13, 1996	1:30 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Agriculture

LB 1208	Tuesday, January 30, 1996	1:30 p.m.
LB 1336	Tuesday, January 30, 1996	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Urban Affairs

LB 995	Tuesday, January 30, 1996	1:30 p.m.
LB 996	Tuesday, January 30, 1996	1:30 p.m.
LB 1356	Tuesday, January 30, 1996	1:30 p.m.
LB 1360	Tuesday, January 30, 1996	1:30 p.m.
LB 1363	Tuesday, January 30, 1996	1:30 p.m.
LB 1321	Tuesday, February 6, 1996	1:30 p.m.
LB 1355	Tuesday, February 6, 1996	1:30 p.m.
LB 1359	Tuesday, February 6, 1996	1:30 p.m.
LB 1362	Tuesday, February 6, 1996	1:30 p.m.
LB 1365	Tuesday, February 6, 1996	1:30 p.m.
LR 312CA	Tuesday, February 6, 1996	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

Mr. Schmitt designates LB 1055 as his priority bill.

SELECT FILE

LEGISLATIVE BILL 592. The Lindsay pending amendment, AM2844, found in the Journal on page 544, as amended, was renewed.

The Lindsay amendment, as amended, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Witek renewed her pending amendment, AM2849, found in the Journal on page 545.

Messrs. Beutler and Bromm offered the following amendment to the Witek pending amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2870.)

Mmes. Robak, Hillman, Messrs. Elmer, Maurstad, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LINDSAY PRESIDING

PRESIDENT ROBAK PRESIDING

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

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Beutler moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Beutler requested a roll call vote on the Beutler-Bromm amendment.

Voting in the affirmative, 25:

Avery	Brown	Hartnett	Matzke	Vrtiska
Beutler	Cudaback	Hillman	Preister	Warner
Bohlke	Elmer	Janssen	Schimek	Wehrbein
Brashear	Engel	Klein	Schrock	Wesely
Bromm	Fisher	Lynch	Stuhr	Wickersham

Voting in the negative, 18:

Abboud	Crosby	Kristensen	McKenzie	Schellpeper
Bernard-Stevens	Dierks	Landis	Pedersen	Schmitt
	Hudkins	Lindsay	Pirsch	Witek
Coordsen	Jensen	Maurstad	Robinson	

Present and not voting, 3:

Chambers	Hilgert	Withem

Excused and not voting, 3:

Jones Robak Will

The Beutler-Bromm amendment was adopted with 25 ayes, 18 nays, 3 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 378. Indefinitely postponed.
LEGISLATIVE BILL 419. Indefinitely postponed.
LEGISLATIVE BILL 521. Indefinitely postponed.
LEGISLATIVE BILL 594. Indefinitely postponed.
LEGISLATIVE BILL 844. Indefinitely postponed.

(Signed) Bob Wickersham, Chairperson

Business and Labor

LEGISLATIVE BILL 1072. Placed on General File.

(Signed) Chris Abboud, Chairperson

Transportation

LEGISLATIVE BILL 938. Placed on General File.
LEGISLATIVE BILL 1073. Placed on General File.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 1012	Tuesday, January 30, 1996	1:30 p.m.
LB 1184	Tuesday, January 30, 1996	1:30 p.m.
LB 1252	Tuesday, January 30, 1996	1:30 p.m.
LB 1275	Tuesday, January 30, 1996	1:30 p.m.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LB 1273	Wednesday, January 31, 1996	12:15 p.m.
LB 1119	Wednesday, January 31, 1996	12:15 p.m.
LB 1329	Wednesday, January 31, 1996	12:15 p.m.

(Signed) Bob Wickersham, Chairperson

ANNOUNCEMENT

Mr. Pedersen designates LB 575 as his priority bill.

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 847:
AM2864

(Amendments to E & R amendments, AM7173)

1. Strike sections 8, 9, and 20 and insert the following new sections:

"Sec. 7. Sections 24-701 to 24-714 and this section shall be known and may be cited as the Judges Retirement Act.

Sec. 9. Section 24-710.03, Reissue Revised Statutes of Nebraska, is amended to read:

24-710.03. Any future member who has served as a judge for eighteen years but less than twenty years prior to July 15, 1992, and who has, prior to such date, contributed and earned the maximum benefit pursuant to subsection (2) of section 24-710 may purchase up to two years of service credit in order to qualify for the maximum benefit in effect after July 15, 1992. Service credit may only be purchased for actual time served as a judge. The amount to be paid shall not exceed the amount the member would have paid into the system based on the ~~salary~~ compensation and two years of service immediately following the year in which the member reached the maximum benefit in effect prior to July 15, 1992, plus the interest on that amount which would have accrued under the retirement system provided by ~~sections 24-701 to 24-714~~ the Judges Retirement Act. Any payment made pursuant to this section by a member to qualify for the maximum benefit in effect after July 15, 1992, shall be received by the retirement system office by December 31, 1993. Any such payment shall be made in a single lump sum.

This section shall not apply to any member who retires prior to July 15, 1992.

Sec. 20. Sections 81-2014 to 81-2036 and this section shall be known and may be cited as the Nebraska State Patrol Retirement Act.

Sec. 36. Section 84-1509, Reissue Revised Statutes of Nebraska, is amended to read:

84-1509. ~~Under the second method of disbursement mentioned in section 84-1508, the~~ The Public Employees Retirement Board may enter into an administrative services agreement with an organization authorized to conduct business in Nebraska and to administer public employee deferred compensation retirement plans. No such agreement shall be entered into unless the board determines that it will result in administrative economy and will be in the best interests of the state and its participating employees.

Sec. 40. The following section is outright repealed: Section 84-1508, Reissue Revised Statutes of Nebraska.".

2. On page 4, line 4, after "securities" insert ". This subdivision shall not be construed to require the liquidation of investment contracts or accounts entered into prior to the operative date of this section"; and in line 5 strike "Investment" and insert "Until January 1, 1997, investment".

3. On page 12, line 4; page 16, lines 15 and 16; page 17, line 24; and page 18, line 6, strike "sections 24-701 to 24-714", show as stricken, and insert "the Judges Retirement Act".

4. On page 17, line 2, strike "highest" and strike "years", show as stricken, and insert "twelve-month periods"; in line 3 after "judge" insert "in which compensation was the greatest"; and in line 4 strike "years", show as stricken, and insert "twelve-month periods".

5. On page 18, lines 22 and 26 and 27, strike "such sections", show as stricken, and insert "the act".

6. On page 19, lines 14 and 15, strike the new matter.

7. On page 21, line 10, after "years" insert "and may be removed by the Governor for cause after notice and an opportunity to be heard"; in line 20 strike "funds", show as stricken, and insert "the assets"; and in line 27 after the period insert "The members serving on the operative date of this section shall serve for the remainder of their five-year terms which will be extended until the date on which the successor's appointment is effective.".

8. On page 22, line 21, after the second "the" insert "investment"; in line 22 strike "all retirement funds" and insert "the assets of the retirement systems administered by the board as provided in section 84-1503"; and in line 23 strike "retirement funds" and insert "the assets of the retirement systems".

9. On page 23, lines 2 and 14, strike "retirement funds" and insert "assets of the retirement systems"; and in line 12 strike "retirement funds" and insert "the assets of the retirement systems".

10. On page 33, line 25; page 35, lines 13 and 14; and page 38, lines 19 and 20, strike "sections 81-2014 to 81-2036", show as stricken, and insert "the Nebraska State Patrol Retirement Act".

11. On page 34, line 7, after "determinations" insert "until such percent is amended by the Legislature".

12. On page 36, lines 2 and 3, strike "sections 81-2014 to 81-2036", show as stricken, and insert "the act".

13. On page 37, line 5, strike "highest", strike "years", show as stricken, and insert "twelve-month periods", and after "officer" insert "in which compensation was the greatest".

14. On page 45, line 13, strike "such retirement system" and insert "the State Employees Retirement System of the State of Nebraska".

15. On page 46, line 3, after "securities" insert ".

This subdivision shall not be construed to require the liquidation of investment contracts or accounts entered into prior to the operative date of this section"; and in line 4 strike "Investment" and insert "Until January 1, 1997, investment".

16. On page 48, lines 18, 19, and 22, strike "retirement funds" and insert "the assets of the retirement system".

17. On page 49, strike beginning with "as" in line 25 through "Council" in line 26.

18. On page 53, strike beginning with "or" in line 15 through "qualified" in line 16 and insert "which will be extended until the date on which the successor's appointment is effective".

19. On page 54, strike beginning with "and" in line 2 through "81-2036", show as stricken, and insert "the Judges Retirement Act, and the Nebraska State Patrol Retirement Act. The agency for the administration of the retirement systems and under the direction of the board shall be known and may be cited as the Nebraska Public Employees Retirement Systems."; in line 13 strike "for cause"; in line 24 after "(a)" insert "Until January 1, 1997, and with"; and reinstate the stricken matter beginning with "respect" in line 24 through 27.

20. On page 55, reinstate the stricken matter beginning with line 1 through "(b)" in line 15 and insert "Until January 1, 1997, and with"; reinstate the stricken matter beginning with "respect" in line 15 through "(c)" in line 21; and in line 24 strike the new matter and reinstate the stricken matter.

21. On page 56, reinstate the stricken matter and strike the new matter.

22. On page 57, line 4, strike "(g)" and insert "(i)"; and in line 6 strike "(h)" and insert "(j)".

23. On page 58, line 25, strike "funds" and insert "systems".

24. On page 62, line 18, strike "27, 37" and insert "5, 27, 28, and 38"; in line 21 strike "section 84-1310.01" and insert "sections 84-1310.01 and 84-1311"; in line 22 strike "section 23-2309.01" and insert "sections 23-2309.01 and 23-2310"; in line 24 after "24-705" insert "24-710.03"; in line 26 strike "84-1311", strike "and", and after "84-1506," insert "84-1509"; and in line 27 strike "23-2310, 50-438,".

25. On page 63, line 2, strike "79-1503.01,".

26. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 592. Mr. Chambers moved to reconsider the vote on the Beutler-Bromm amendment, AM2870.

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

Messrs. Hartnett and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers motion to reconsider the Beutler-Bromm amendment prevailed with 25 ayes, 17 nays, 2 present and not voting, and 5 excused and not voting.

The Beutler-Bromm amendment, AM2870, referred to in this day's Journal, was reconsidered.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 905. Placed on General File.
LEGISLATIVE BILL 906. Placed on General File.
LEGISLATIVE BILL 909. Placed on General File.
LEGISLATIVE BILL 926. Placed on General File.
LEGISLATIVE BILL 1002. Placed on General File.
LEGISLATIVE BILL 1046. Placed on General File.
LEGISLATIVE BILL 1048. Placed on General File.
LEGISLATIVE BILL 1141. Placed on General File.

LEGISLATIVE BILL 908. Placed on General File as amended.
Standing Committee amendment to LB 908:
AM2843

1. On page 2, line 5, strike "natural"; in line 6 after "person" insert "in a state of undress"; and strike beginning with "Place" in line 8 through line 11 and insert "Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room.".

LEGISLATIVE BILL 913. Indefinitely postponed.
LEGISLATIVE BILL 983. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

General Affairs

LEGISLATIVE BILL 933. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Business and Labor

LEGISLATIVE BILL 925. Placed on General File.

(Signed) Chris Abboud, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1008. Placed on General File as amended.
Standing Committee amendment to LB 1008:
AM2851

1. On page 2, strike beginning with "other" in line 24 through "accident" in line 26 and insert "provided by an independent and disinterested person and not by the insured or any person occupying the insured motor vehicle".

(Signed) David Landis, Chairperson

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 700A:
AM2852

1. Strike the original sections and insert the following new sections:

"Section 1. Section 90-511, Revised Statutes Supplement, 1995, is amended to read:

90-511. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION
Program No. 25 - Departmental Administration

	FY1995-96	FY1996-97
~~GENERAL FUND~~	~~551,150,898~~	~~576,164,937~~
GENERAL FUND	551,150,898	569,269,937
CASH FUND	2,124,426	2,157,833
FEDERAL FUND est.	135,903,879	141,677,603
REVOLVING FUND	444,311	446,075
~~PROGRAM TOTAL~~	~~689,623,514~~	~~720,446,448~~
PROGRAM TOTAL	689,623,514	713,551,448
SALARY LIMIT	7,445,909	7,412,575

There is included in the appropriation to this program for FY1995-96 $544,627,785 General Funds, $348,852 Cash Funds, and $127,756,527 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 ~~$569,352,621~~ $562,457,621 General Funds, $350,690 Cash Funds, and $133,442,975 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY1995-96 $123,000 General Funds for the reimbursement of transportation

costs pursuant to section 79-3410 for the enrollment option program. There is included in the amount shown for FY1996-97 $123,000 General Funds for the reimbursement of transportation costs pursuant to section 79-3410 for the enrollment option program.

There is included in the amount shown for FY1995-96 $125,045,404 General Funds which are hereby appropriated to the School District Income Tax Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY1996-97 $125,045,404 General Funds which are hereby appropriated to the School District Income Tax Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for FY1995-96 $289,888,410 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY1996-97 $311,625,913 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for FY1995-96 $6,895,000 General Funds which are hereby appropriated to the Educational Excellence Fund, which fund is hereby appropriated for the Help Education Lead to Prosperity Act. There is included in the amount shown for FY1996-97 ~~$6,895,000~~ 0 General Funds which are hereby appropriated to the Educational Excellence Fund, which fund is hereby appropriated for the Help Education Lead to Prosperity Act. It is the intent of the Legislature that for FY1997-98 0 General Funds be appropriated to the Educational Excellence Fund for the Help Education Lead to Prosperity Act.

There is included in the appropriation to this program for FY1995-96 $121,293,312 General Funds for special education reimbursement. There is included in the appropriation to this program for FY1996-97 $124,325,645 General Funds for special education reimbursement.

There is included in the appropriation to this program $207,525 General Funds provided as state aid in FY1995-96 and $162,525 General Funds provided as state aid in FY1996-97 to carry out the provisions of subsection (2) of section 79-4,118.

There is included in the appropriation to this program $435,000 General Funds provided as state aid in FY1995-96 and $435,000 General Funds provided as state aid in FY1996-97 for early childhood education projects.

There is included in the appropriation to this program $50,000 General Funds for FY1995-96 and $50,000 General Funds for FY1996-97 to be used only for the purpose of matching donations from business and other sources to initiate pilot technology projects.

The unexpended General Fund appropriation existing on

June 30, 1995, from Laws 1992, LB 245A, is hereby reappropriated to be used for the Nebraska Schools Accountability Commission in FY1995-96.

The unexpended General Fund balance existing on June 30, 1995, in this program and in Program No. 440, Educational Services, is hereby reappropriated to this program for FY1995-96 in an amount not to exceed $350,000 to provide General Funds to be used for the Nebraska Diagnostic Resource Center. It is the intent of the Legislature that the State Department of Education shall study the role and financing of the Nebraska Diagnostic Resource Center and make recommendations to the Appropriations Committee by November 1, 1995, regarding the future role and funding of the center with non-General Funds.

It is the intent of the Legislature that the Department of Social Services shall transfer $700,000 Federal Funds in FY1995-96 and $700,000 Federal Funds in FY1996-97 from the federal Child Care and Development Block Grant, to the State Department of Education, Program No. 25, for training, quality, and enhancement activities related to the provision of child care and early childhood education in the state.

On or before October 1 of each year, the Department of Social Services and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five years and older. The General Fund appropriation to the State Department of Education, Program No. 25, for state special education aid shall be decreased by an amount equal to the amount that would have been reimbursed with state General Funds to the school districts through the special education reimbursement process for special education services for children age five years and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY1995-96 and FY1996-97 to the Department of Social Services, to aid in carrying out the provisions of Laws 1991, LB 701. Of the amount appropriated, ten percent shall be appropriated to the department for Program No. 348, and ninety percent shall be appropriated to the department for Program No. 341.

At the direction of the budget administrator of the budget division of the Department of Administrative Services, any funds appropriated to this program for general salary increases for teachers at schools operated by the Department of Correctional Services, the State Department of Education, the Department of Public Institutions, the Beatrice State Developmental Center, or the Lincoln Regional Center shall be administratively transferred to the state agency employing such teachers. The State Department of Education shall certify to the budget division of the Department of Administrative Services the appropriations to be transferred pursuant to this section. The expenditure limitation for permanent and temporary salaries and per diems shall be increased within the appropriate state agency program to allow for the expenditure for personal services.

It is the intent of the Legislature that the revenue raised pursuant to the increases in the income tax rate and sales tax rate provided in Laws 1990, LB 1059, shall be appropriated to school districts as state aid in FY1995-96 and FY1996-97 for purposes of the Tax Equity and Educational Opportunities Support Act.

The Department of Revenue and the Legislative Fiscal Analyst shall annually prepare a joint report showing the revenue collected from such tax rate increases for the preceding fiscal year. A copy of the report shall be provided to the Clerk of the Legislature by December 1 of each year.

Continuing in FY1995-96, if the proceeds from such tax rate increases according to the joint report are greater than the amount appropriated by the Legislature to correspond to such tax rate increases, the difference between such amounts shall be appropriated for purposes of the Tax Equity and Educational Opportunities Support Act in the following fiscal year. Such appropriation shall be in addition to other General Funds allocated as aid for purposes of the act.

If the proceeds from such tax rate increases according to the joint report are less than the amount appropriated by the Legislature to correspond to such tax rate increases, the difference between such amounts shall be subtracted from the appropriation for purposes of the Tax Equity and Educational Opportunities Support Act in the following fiscal year.

Sec. 2. There is hereby appropriated (1) $86,730 from the Expense Fund, $885 from the State Patrol Expense Fund, and $885 from the Judges Expense Fund for FY1996-97 and (2) $23,030 from the Expense Fund, $235 from the State Patrol Expense Fund, and $235 from the Judges Expense Fund for FY1997-98 to the Public Employees Retirement Board, for Program 41, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 3. There is hereby appropriated (1) $6,895,000 from the General Fund for FY1996-97 and (2) $6,895,000 from the General Fund for FY1997-98 to the Public Employees Retirement Board, for Program 515, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. There is hereby appropriated (1) $2,018 from the General Fund and $950 from federal funds for FY1996-97 and (2) $2,088 from the General Fund and $983 from federal funds for FY1997-98 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $66 from the General Fund and $244 from federal funds for FY1996-97 and (2) $68

from the General Fund and $253 from federal funds for FY1997-98 to the State Department of Education, for Program 351, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $3,279 from the General Fund, $866 from the Nebraska School for the Deaf Cash Fund, and $21 from federal funds for FY1996-97 and (2) $3,394 from the General Fund, $896 from the Nebraska School for the Deaf Cash Fund, and $22 from federal funds for FY1997-98 to the State Department of Education, for Program 401, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $1,110 from the General Fund and $526 from the Nebraska School for the Visually Handicapped Cash Fund for FY1996-97 and (2) $1,149 from the General Fund and $544 from the Nebraska School for the Visually Handicapped Cash Fund for FY1997-98 to the State Department of Education, for Program 402, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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 (1) $147 from the School District Reimbursement Fund for FY1996-97 and (2) $152 from the School District Reimbursement Fund for FY1997-98 to the Department of Public Institutions, for Program 421, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 9. There is hereby appropriated (1) $534 from the School District Reimbursement Fund and $21 from federal funds for FY1996-97 and (2) $553 from the School District Reimbursement Fund and $22 from federal funds for FY1997-98 to the Department of Public Institutions, for Program 365, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 10. There is hereby appropriated (1) $1,936 from the General Fund and $462 from federal funds for FY1996-97 and (2) $2,004 from the General Fund and $478 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 250, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated

in this section.

Sec. 11. There is hereby appropriated (1) $289 from the General Fund and $40 from federal funds for FY1996-97 and (2) $299 from the General Fund and $41 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 200, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 12. Original section 90-511, Revised Statutes Supplement, 1995, is repealed.

Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.".

STANDING COMMITTEE REPORTS

Judiciary

The Committee on Judiciary desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Esther L. Casmer - Nebraska Board of Parole

VOTE: Aye: Senators Lindsay, Abboud, Chambers, Fisher, and Hudkins. Nay: None. Absent: Senators Pedersen and Robak.

(Signed) John Lindsay, Chairperson

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
Michael Harsh
Sheila Hawes
Anne Rismiller

State Electrical Board
Ted Stutheit

VOTE: Aye: Senators Cudaback, Elmer, Hartnett, Hudkins, Robak, Robinson, and Schellpeper. Nay: None. Absent: Will.

(Signed) Stan Schellpeper, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LR 310CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were seven members from the Merrick County leadership group; and Walt Griffith from Broken Bow.

MOTION - Adjournment

Mr. Beutler moved to adjourn. The motion prevailed with 21 ayes, 10 nays, 13 present and not voting, and 5 excused and not voting, and at 12:10 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, January 24, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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FOURTEENTH DAY - JANUARY 24, 1996

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 24, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Ken Hoover, Peace Lutheran Church, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Beutler, Bromm, Chambers, Engel, Lindsay, Matzke, Robinson, Schmitt, Schrock, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

ANNOUNCEMENT

Mr. Fisher designates LB 930 as his priority bill.

AMENDMENT - Print in Journal

Mrs. Hillman filed the following amendment to LB 584:
AM2887

(Amendments to E & R amendments, AM7167)

1. Insert the following sections:

"Sec. 4. Section 37-202.02, Reissue Revised Statutes of Nebraska, is amended to read:

37-202.02. Lifetime hunting, fishing, or combination hunting and fishing licenses shall not allow fur harvesting or the hunting of deer, antelope, turkey, or other hunting or fishing done

under authority of any special permit. The holder of a lifetime ~~permit shall be required to purchase any stamp which the holder of a comparable annual license is required to purchase~~ license is required to purchase habitat stamps pursuant to section 37-216.01 but is not required to purchase aquatic habitat stamps pursuant to such section.

Sec. 9. Section 37-216.01, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.01. (1) Except as provided in subsection (2) of this section:

(a) No ~~, no~~ resident of Nebraska sixteen years of age or older and no nonresident of Nebraska regardless of age shall take, hunt, kill, harvest, or possess any game bird, upland game bird, game animal, or fur-bearing animal unless, at the time of such taking, hunting, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of taking, hunting, killing, harvesting, or possessing such bird or animal; and

(b) No resident or nonresident of Nebraska eighteen years of age or older shall take, hunt, fish, catch, kill, harvest, or possess any aquatic organism requiring a Nebraska fishing permit, including any fish, bullfrog, snapping turtle, tiger salamander, or mussel unless, at the time of such taking, hunting, fishing, catching, killing, harvesting, or possessing, such person carries on or about his or her person an unexpired aquatic habitat stamp validated by his or her signature in ink across the face of the stamp prior to the time of taking, hunting, fishing, catching, killing, harvesting, or possessing a fish, bullfrog, snapping turtle, tiger salamander, or mussel.

(2) Habitat stamps are not required for holders of limited permits issued under section 37-215.03. Aquatic habitat stamps are not required when a fishing permit is not required or for holders of lifetime fishing licenses or lifetime combination hunting and fishing licenses.

(3) Any person to whom a stamp has been issued shall, immediately upon request, exhibit the stamp to any officer. Any person taking, hunting, fishing, catching, killing, harvesting, or possessing any game bird, upland game bird, game animal, or fur-bearing animal or aquatic organism requiring a fishing permit in this state without ~~such a~~ the appropriate stamp attached to a valid hunting or fur-harvesting permit or fishing permit and not actually on or about his or her person shall be deemed to be without such stamp. ~~Such~~ A habitat stamp shall be issued upon the payment of a fee of not less than ten dollars and not more than fifteen dollars per stamp. ~~, as established by the~~ An aquatic habitat stamp shall be issued upon the payment of a fee of not less than five and not more than six dollars and fifty cents per stamp. The commission shall establish the fees pursuant to section

81-814.02.

~~(2) Subsection (1) of this section shall not apply to limited permits issued pursuant to section 37-215.03.~~

Sec. 10. Section 37-216.02, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.02. The habitat stamp or aquatic habitat stamp~~,~~ ~~provided for~~ required by section 37-216.01~~, and the trout stamp, provided for in section 37-217.01, shall~~ is not ~~be~~ transferable~~.~~ ~~Such stamps shall expire~~ and expires at midnight on December 31 of the year in which issued.

Sec. 11. Section 37-216.03, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.03. Any stamp~~,~~ issued under ~~the provisions of~~ sections 37-216.01 to 37-216.09 ~~and 37-217.01, shall be~~ is subject to revocation by the Game and Parks Commission at the same time and for the same reasons that permits are subject to revocation, as provided for in section 37-207.

Sec. 12. Section 37-216.04, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.04. It shall be unlawful: (1) For any person, holding a stamp under ~~the provisions of~~ sections 37-216.01 to 37-216.09~~, or section 37-217.01,~~ to lend or transfer the stamp to another person or for any person to borrow or use the stamp of another; (2) for any person to (a) procure a stamp under an assumed name, (b) falsely state the place of his or her legal residence in procuring the stamp, or (c) make any other false statement in procuring the stamp; (3) for any person to knowingly issue or aid in securing a stamp under the provisions of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ for any person not legally entitled thereto; (4) for any person disqualified for a stamp to take, hunt, fish, catch , kill, harvest, or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel ~~kill or possess trout~~ or to hunt game birds, upland game birds, game animals, or fur-bearing animals with or without a stamp during any period when such right has been forfeited or for which his or her stamp has been revoked by the Game and Parks Commission; or (5) for anyone to take, hunt, fish, catch, kill, harvest, or possess a fish, bullfrog, snapping turtle, tiger salamander, or mussel ~~kill or possess trout~~ or hunt game birds, upland game birds, game animals, or fur-bearing animals without a permit as required by section 37-201 and the appropriate stamp attached thereto. Any person violating any of the provisions of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ shall be guilty of a Class V misdemeanor and the court shall require the offender to purchase the required stamp, and any stamp obtained or used in violation of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ shall be confiscated by the court.

It shall be an affirmative defense to prosecution for any violation of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ for which possession is an element of the offense that such

possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 13. Section 37-216.05, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.05. Habitat stamps and aquatic habitat stamps ~~and trout stamps~~ shall be issued by the Game and Parks Commission. They may be procured from the secretary thereof or from such other persons, firms, and corporations as may be designated by the commission to sell the stamps and to collect the fees therefor.

Sec. 14. Section 37-216.06, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.06. Any person, firm, or corporation~~,~~ authorized to sell the stamps~~, as provided by~~ under sections 37-216.01 to 37-216.09~~, or section 37-217.01,~~ and collect the fees therefor~~,~~ shall remit the fees for the stamps monthly to the secretary of the Game and Parks Commission. All remittances shall be upon a form to be supplied by the commission and a duplicate copy shall be retained by the persons, firms, or corporations authorized by the commission to sell the stamps.

Sec. 15. Section 37-216.07, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.07. (1) The secretary of the Game and Parks Commission shall ~~deposit~~ remit all money received by him or her from the sale of habitat stamps, or from others authorized to sell ~~such~~ habitat stamps, ~~with~~ to the State Treasurer ~~and shall take a receipt from him or her therefor. The State Treasurer shall place the funds so received in~~ for credit to the Nebraska Habitat Fund. The Nebraska Habitat Fund is created. ~~which is hereby created.~~ Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Habitat Fund until the ~~Game and Parks Commission~~ commission has presented a habitat plan to the Committee on Appropriations of the Legislature for its approval.

(2) The secretary of the commission shall remit all money received by him or her from the sale of aquatic habitat stamps, or from others authorized to sell aquatic habitat stamps, to the State Treasurer for credit to the Nebraska Aquatic Habitat Fund. The Nebraska Aquatic Habitat Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. No expenditure shall be made from the Nebraska Aquatic Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations and the Committee on Natural Resources of the Legislature for its approval. ~~The secretary of the Game and Parks Commission shall deposit all~~

~~money received from the sale of trout stamps with the State Treasurer and shall take a receipt from him or her therefor. The Treasurer shall place the funds so received in the State Game Fund. The Game and Parks Commission shall use the revenue derived from the sale of trout stamps for trout production, distribution, and management.~~

(3) The secretary of the commission and any county clerk or public official designated to sell habitat stamps or aquatic habitat ~~or trout~~ stamps shall be liable upon their official bonds for failure to ~~pay~~ remit the money from the sale of the stamps, as required by sections 37-216.01 to 37-216.09, ~~or section 37-217.01,~~ coming into their hands. Any other person, firm, or corporation who ~~shall receive~~ receives stamp fees, ~~under the provisions of sections 37-216.01 to 37-216.09 or section 37-217.01, or the rules of the commission,~~ and who ~~shall fail~~ fails to ~~pay over~~ remit the same to the commission in accordance with its rules and such sections ~~37-216.01 to 37-216.09 or section 37-217.01 and,~~ after demand is made for the same, shall be liable to suit by the commission in double the amount of the funds wrongfully withheld and shall further be liable criminally for embezzlement.

Sec. 16. Section 37-216.08, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.08. (1) All money received from the sale of habitat stamps, as provided by sections 37-216.01 to 37-216.09, shall be administered by the Game and Parks Commission for the acquisition on a willing-seller willing-buyer basis only, leasing, taking of easements, development, management, and enhancement of wildlife lands and habitat areas. Such funds may be used in whole or in part for the matching of federal funds.

(2) All money received from the sale of aquatic habitat stamps, as provided by sections 37-216.01 to 37-216.09, shall be administered by the commission and shall be used first for the maintenance and restoration of existing aquatic habitat, if maintenance and restoration is practicable, and second for the enhancement of existing aquatic habitat. Such funds may be used in whole or in part for the matching of federal funds.

Sec. 17. Section 37-216.09, Reissue Revised Statutes of Nebraska, is amended to read:

37-216.09. Any person who ~~shall violate~~ violates any provision of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ or who ~~shall violate or fail~~ violates or fails to comply with any regulation thereunder shall be guilty of a Class V misdemeanor.

It shall be an affirmative defense to prosecution for any violation of sections 37-216.01 to 37-216.09 ~~or section 37-217.01~~ for which possession is an element of the offense that such possession was not the result of effort or determination or that the actor was unaware of his or her physical possession or control for a sufficient period to have been able to terminate such possession or control.

Sec. 25. The following section is outright repealed: Section 37-217.01, Reissue Revised Statutes of Nebraska.".

2. On page 27, line 4, strike "and 13" and insert "4, 9 to 17, 23, and 25"; in line 7 strike "and 37-105" and insert ", 37-105, 37-202.02, and 37-216.01 to 37-216.09".

3. Renumber the remaining sections and correct internal references accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 96007

DATE: January 22, 1996

SUBJECT: Constitutionality Under Neb. Const., art. III, § 24, of LB 915.

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

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

You have requested our opinion on two questions regarding the constitutionality of LB 915. LB 915 proposes to amend the Nebraska County and City Lottery Act {the "Act"} by expanding the definition of "lottery." Presently, a "lottery" under the Act is defined to mean "a gambling scheme in which: (a) The players pay or agree to pay something of value for an opportunity to win; (b) Winning opportunities are represented by tickets; . . .," and winners are determined either "{b}y a random drawing of tickets differentiated by sequential enumeration from a receptacle by hand whereby each ticket has an equal chance of being chosen," or "{b}y use of a game known as keno. . . ." Neb. Rev. Stat. § 9-607(1) (Cum. Supp. 1994). LB 915 would amend this definition of lottery to provide a third method of determining winners, broadly stated as being "{b}y some other method based on an element of chance;. . . ." LB 915, § 1. The bill also proposes to eliminate the prohibition in § 9-607(2)(a) against lotteries including "any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device. . .," and to remove such devices from the definition of "gambling device" under Neb. Rev. Stat. § 28-1101(5) (Supp. 1995).

Your first question is"{d}oes Article III, Section 24 permit the Legislature to authorize the use of mechanical, computer or video gaming devices as permissible methods of conducting a lottery simply by striking language which prohibits the use of these methods based upon the reasoning of {**Video Consultants of Nebraska, Inc. v. Douglas,** 219 Neb. 868, 367 N.W.2d 697 (1985)}?"

Recently, in Op. Att'y Gen. No. 95085 (November 17, 1995), we concluded that the Legislature may not enact legislation to permit the use of "slot machines" or other "electronic gaming devices" under the constitutional grant permitting the Legislature to authorize "lotteries, raffles, and gift enterprises. . . the proceeds of which are used solely for charitable or community betterment purposes." We stated as follows:

> Under Article III, § 24, the Legislature is precluded from authorizing "any game of chance or any lottery or any gift enterprise" except as provided in the Constitution. In our opinion, "slot machines" or other forms of "electronic gaming devices" fall within the category of "games of chance" prohibited by the Constitution, and not "lotteries" which the Legislature may sanction under its authority to permit "lotteries, raffles, and gift enterprises" whose proceeds are used for charitable or community betterment purposes. Accordingly, "slot machines" or other "electronic gaming devices" may not be authorized by the Legislature absent an amendment to the Nebraska Constitution.

Op. Att'y Gen. No. 95085 at 2.

In our recent opinion, we discussed at length the Nebraska Supreme Court's decision in **Video Consultants.** Op. Att'y Gen. No. 95085 at 10-12. As we stated, this case "involved only issues of whether the video gaming activities at issue constituted a 'lottery' or involved use of unlawful 'gaming devices' as those terms were defined by the Legislature; no issue was raised as to whether the video gaming activity was a permissible form of 'lottery' under the Constitution." **Id.** at 15-16. Thus, we stated that "the crucial issue" {one which was not addressed in **Video Consultants**} was "whether 'slot machines' or other electronic gaming devices are forms of 'lotteries' which the Legislature may authorize for community betterment purposes under art. III, § 24, or whether 'slot machines' or other 'electronic devices' are 'games of chance' which the Legislature is prohibited from authorizing under art. III, § 24." **Id.** at 16-17. We concluded, of course that "slot machines" or other "video or electronic gaming devices" (which we defined to include traditional "slot machines" or video devices based on a slot machine theme, and video or electronic devices based on games such as poker, blackjack, dice, or other forms of gambling) constitute "games of chance" prohibited by the Constitution, and not "lotteries" which may be authorized by the Legislature for charitable or community betterment purposes.

In response to your first question, we do not construe the **Video Consultants** case to stand for the proposition that, consistent with art. III, § 24 of the Constitution, the Legislature may authorize the use of video or electronic devices to conduct gambling activities which constitute "games of chance," as opposed to "lotteries, raffles, or gift enterprises," merely by adopting legislation to authorize such devices. The issue is not, as you have phrased it, whether the Legislature may constitutionally authorize the use of video or electronic devices in the conduct of a "lottery;" rather, as we explained in our prior opinion, the

issue is whether the gambling activity to be conducted by use of the video or electronic devices involves an impermissible game of chance, as opposed to a permissible lottery. In our view, slot machines, video or electronic devices based on a slot machine theme, or video, computer, or electronic gambling devices based on games such as poker, blackjack, or dice, constitute "games of chance" which the Legislature may not authorize under art. III, § 24. While the amendment to § 9-607 under LB 915 proposes only to allow a "lottery" under the Act to include methods where winners are determined "by some other method based on an element of chance," and to remove the prohibition against the use of mechanical, computer, electronic, or video gaming devices, we believe it is clear that these changes could not, consistent with art. III, § 24, authorize the conduct of activities constituting "games of chance," or the use of video or electronic devices to conduct "games of chance." To the extent the proposed amendments to § 9-607 and 28-1101 are intended to authorize "games of chance," and the use of video or electronic devices to conduct what are, in fact, "games of chance," and not permissible lotteries, such would violate art. III, § 24.

Your second question is "whether the Nebraska Constitution permits the conduct of a lottery by the use of video or electronic gaming devices by the enactment of statutory language stating that a lottery may be conducted 'by some other method based on an element of chance.'" Again, the issue is not whether the Constitution prohibits the use of video or electronic gaming devices in the conduct of a "lottery;" rather, as we have stated, the issue is whether the gambling activity constitutes a permissible "lottery," as opposed to a prohibited "game of chance." The Legislature's power to define terms is limited because the Legislature may not, under the guise of definition: (1) abrogate or contradict an express constitutional provision; or (2) establish a definition which is unreasonable or arbitrary. **See Natural Gas Pipeline Co. v. State Bd. of Equal,** 237 Neb. 357, 377, 466 N.W.2d 461 (1991) (Grant J., concurring); **State ex rel. Meyer v. Peters,** 191 Neb. 330, 215 N.W.2d 520 (1974); **Moeller, McPherrin & Judd v. Smith,** 127 Neb. 424, 255 N.W. 551 (1934). The Legislature may not employ its definitional power to defeat or circumvent the Constitution. **MAPCO Ammonia Pipeline Co. v. State Bd. of Equal.,** 238 Neb. 565, 431 N.W.2d 734 (1991). Thus, the Legislature may not constitutionally adopt a definition of "lottery" which purports to authorize "lotteries" for charitable or community betterment purposes which, in fact, constitute prohibited "games of chance." To the extent the amendment proposed by LB 915 is construed as an attempt to authorize "games of chance," and the use of video or electronic devices to conduct what are, in actuality, "games of chance," it would violate art. III, § 24.

Very truly yours,
DON STENBERG
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
7-32-7.1

SELECT FILE

LEGISLATIVE BILL 106. Considered.

Mr. Hartnett requested a machine vote on the advancement of the bill.

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud	Dierks	Klein	Robak	Vrtiska
Avery	Elmer	Matzke	Robinson	Warner
Brashear	Fisher	Maurstad	Schellpeper	Wehrbein
Coordsen	Hudkins	McKenzie	Schmitt	Wickersham
Crosby	Jensen	Pedersen	Schrock	Witek
Cudaback	Jones	Pirsch	Stuhr	

Voting in the negative, 8:

Beutler	Hilgert	Landis	Preister	Schimek
Hartnett	Hillman	Lynch		

Present and not voting, 3:

Brown	Janssen	Kristensen

Excused and not voting, 9:

Bernard-Stevens	Bohlke	Chambers	Lindsay	Will
	Bromm	Engel	Wesely	Withem

Advanced to E & R for engrossment with 29 ayes, 8 nays, 3 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 642. E & R amendment, AM7165, found in the Journal on page 2730, was adopted.

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

Mr. Avery reoffered his amendment, AM2294, found in the Journal on page 2292, First Session, 1995.

Mr. Avery asked unanimous consent to replace his pending amendment, AM2294, found in the Journal on page 2292, First Session, 1995, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM2294, found in the Journal on page 2292, First Session, 1995.

Mr. Avery offered the following substitute amendment:
AM2889

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) On October 1, 1996, six full-time employees shall be added to the State Foster Care Review Board for the purpose of ensuring that all children in foster care in the Omaha and North Platte areas receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) On October 1, 1996, six full-time employees of the department at or above pay grade 252 shall be eliminated and the department shall transfer all federal matching funds obtained from the six-month case reviews conducted by the state board in the Omaha and North Platte areas under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

Sec. 2. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be

appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3) The state board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. It is the intent of the Legislature that beginning October 1, 1996, the state board shall be the only state agency with the right and responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, in the Omaha and North Platte areas.

(4) It is also the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(5) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(6) On January 1, 1998, four full-time employees shall be added to the state board to ensure that all children in foster care in the remaining areas of the state receive six-month case reviews by the state board pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(7) On January 1, 1998, the permanency plan review unit of the Department of Social Services shall be eliminated and the department shall transfer all federal funds obtained under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, for such six-month case reviews of state wards to the state board. Four full-time equivalent employees of the department at or above pay grade 252 shall be eliminated on such date.

Sec. 3. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

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

SPEAKER WITHEM PRESIDING

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

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1047. Placed on General File as amended.
Standing Committee amendment to LB 1047:
AM2881

1. Strike original section 1 and insert the following new section:

"Section 1. The fees established by the Commissioner of Labor pursuant to sections 48-310 and 48-310.01 shall be established with due regard for the costs of administering sections 48-310 and 48-310.01. The fees shall not exceed the amount necessary to meet the costs of administering sections 48-310 and 48-310.01.".

(Signed) Chris Abboud, Chairperson

Education

LEGISLATIVE BILL 950. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 1123. Placed on General File as amended.
Standing Committee amendment to LB 1123:
AM2856

1. On page 2, line 18, strike the new matter and reinstate the stricken matter.

(Signed) Merton L. Dierks, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 847A. 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 847, Ninety-fourth Legislature, Second Session, 1996.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 992	Wednesday, January 31, 1996	1:30 p.m.
LB 1135	Wednesday, January 31, 1996	1:30 p.m.
LB 1213	Wednesday, January 31, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Appropriations

LB 1061	Monday, February 5, 1996	1:30 p.m.
LB 1128	Tuesday, February 6, 1996	1:30 p.m.
LB 1143	Monday, February 12, 1996	1:30 p.m.
LB 1192	Monday, February 12, 1996	1:30 p.m.
LB 1382	Monday, February 12, 1996	1:30 p.m.

Monday, February 5, 1996 1:30 p.m.
Agency 47 - Nebraska Educational Telecommunications Commission and NEB*SAT
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State College System
Agency 51 - University of Nebraska

Tuesday, February 6, 1996 1:30 p.m.
Agency 70 - Foster Care Review Board
Agency 26 - Department of Social Services
Agency 25 - Department of Public Institutions

Wednesday, February 7, 1996 1:30 p.m.
Agency 46 - Department of Correctional Services
Adult Corrections
Office of Juvenile Services
Agency 64 - Nebraska State Patrol
Agency 05 - Nebraska Supreme Court

Thursday, February 8, 1996 1:30 p.m.
Agency 72 - Department of Economic Development
Agency 85 - Public Employees Retirement Board
Agency 11 - Attorney General
Agency 12 - State Treasurer
Agency 17 - Department of Aeronautics

Civil Air Patrol
Agency 20 - Department of Health
Agency 24 - Department of Motor Vehicles
Agency 27 - Department of Roads

(Signed) Roger R. Wehrbein, Chairperson

Natural Resources

LB 1067	Wednesday, January 31, 1996	1:30 p.m.
LB 1201	Wednesday, January 31, 1996	1:30 p.m.
LB 1224	Wednesday, January 31, 1996	1:30 p.m.
LB 1384	Thursday, February 1, 1996	1:30 p.m.
LB 1385	Thursday, February 1, 1996	1:30 p.m.
LB 1293	Friday, February 2, 1996	1:30 p.m.
LB 1352	Friday, February 2, 1996	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Revenue

LB 951	Wednesday, January 31, 1996	1:30 p.m.
LB 1369	Wednesday, January 31, 1996	1:30 p.m.
LB 1032	Wednesday, January 31, 1996	1:30 p.m.
LB 1270	Wednesday, January 31, 1996	1:30 p.m.
LB 1315	Wednesday, January 31, 1996	1:30 p.m.
LB 1084	Thursday, February 1, 1996	1:30 p.m.
LB 1083	Thursday, February 1, 1996	1:30 p.m.
LB 1114	Thursday, February 1, 1996	1:30 p.m.
LR 292CA	Thursday, February 1, 1996	1:30 p.m.
LR 293CA	Thursday, February 1, 1996	1:30 p.m.
LR 310CA	Thursday, February 1, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the vote to advance LB 106 to E & R Final.

(Signed) Ardyce Bohlke

AMENDMENTS - Print in Journal

Mr. Fisher filed the following amendment to LB 1175:
AM2894

1. On page 2, lines 24 through 28, strike the new matter.

2. On page 3, line 19, strike "28-1418,".

Mr. Will filed the following amendment to LR 43CA:
AM2850

(Amendments to AM2735)

1. On page 3, line 9, after "agriculture" insert ", including the Nebraska thoroughbred horseracing industry".

Mr. Schellpeper filed the following amendment to LR 43CA:
AM2884

(Amendments to AM2735)

1. On page 3, line 5, strike "The" and insert "Subject to the provisions of this subsection, the"; and in line 12 after the period insert "Games of chance shall not be conducted in any county, city, or village pursuant to any legislation enacted on or after November 1, 1996, until the issue of permitting such games of chance has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called by the governing body of the county, city, or village for such purpose.".

2. On page 4, line 2, strike "and" and insert a comma; and in line 8 after "agriculture" insert ", and to require voter approval".

Mr. Wickersham filed the following amendment to LB 847:
(Amendment, AM2869, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Hillman filed the following amendment to LB 642:
AM2896

(Amendments to AM2889)

1. Insert the following new sections:

"Sec. 3. Section 81-101, Reissue Revised Statutes of Nebraska, is amended to read:

81-101. The civil administration of the laws of the state is vested in the Governor. For the purpose of aiding the Governor in the execution and administration of the laws, the executive and administrative work shall be divided into the following departments: (1) Department of Agriculture; (2) Department of Labor; (3) Department of Health; (4) Department of Roads; (5) Department of Water Resources; (6) Department of Banking and Finance; (7) Department of Insurance; (8) Department of Motor Vehicles; (9) Department of Social Services; (10) Department of Public Institutions; (11) Department of Administrative Services; (12) Department of Economic Development; (13) Department of Correctional Services; (14) Nebraska State Patrol; ~~and~~ (15)

Department on Aging; and (16) the Department of Foster Care.

Sec. 4. Section 81-102, Reissue Revised Statutes of Nebraska, is amended to read:

81-102. The Governor shall appoint heads for the various departments, subject to confirmation by a majority vote of the members elected to the Legislature. Such appointments shall be submitted to the Legislature within sixty calendar days following the first Thursday after the first Tuesday in each odd-numbered year. The officers shall be designated as follows: (1) The Director of Agriculture for the Department of Agriculture; (2) the Commissioner of Labor for the Department of Labor; (3) the Director of Health for the Department of Health; (4) the Director-State Engineer for the Department of Roads; (5) the Director of Water Resources for the Department of Water Resources; (6) the Director of Banking and Finance for the Department of Banking and Finance; (7) the Director of Insurance for the Department of Insurance; (8) the Director of Motor Vehicles for the Department of Motor Vehicles; (9) the Director of Social Services for the Department of Social Services; (10) the Director of Public Institutions for the Department of Public Institutions; (11) the Director of Administrative Services for the Department of Administrative Services; (12) the Director of Correctional Services for the Department of Correctional Services; (13) the Director of Economic Development for the Department of Economic Development; (14) the Superintendent of Law Enforcement and Public Safety for the Nebraska State Patrol; ~~and~~ (15) the Director on Aging for the Department on Aging; and (16) the Director of Foster Care for the Department of Foster Care. Whoever shall be so nominated by the Governor and shall fail to receive the number of votes requisite for confirmation, shall not be subject to nomination or appointment for this or any other appointive state office requiring confirmation by the Legislature during the period for which his or her appointment was sought. In case of a vacancy in any of such offices during the recess of the Legislature, the Governor shall make a temporary appointment until the next meeting of the Legislature, when he or she shall nominate some person to fill such office. Any person so nominated who is confirmed by the Legislature, shall hold his or her office during the remainder of the term if a specific term has been provided by law, otherwise during the pleasure of the Governor subject to the provisions of this section; PROVIDED, any such officers may be removed by the Governor pursuant to Article IV of the Constitution of Nebraska.

Sec. 5. On the effective date of this act, the Foster Care Review Board shall transfer all property, equipment, records, and personnel under its control to the Department of Foster Care.".

2. On page 1, line 17, after "(1)" insert "There is hereby established a department to be known as the Department of Foster Care. The Director of Foster Care shall supervise and direct the activities of the State Foster Care Review Board.".

3. On page 4, line 3, strike "section 43-1302" and insert "sections 43-1302, 81-101, and 81-102"; and in line 4 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below to the Nebraska Special Education Accountability Commission. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Richard Schoonover
Daniel G. Weidner
Robert G. Waite
Douglas Ackles

VOTE: Aye: Senators Bohlke, Warner, Stuhr, McKenzie, Wickersham, and Bernard-Stevens. Nay: None. Absent: Senators Beutler and Janssen.

(Signed) Ardyce Bohlke, Chairperson

UNANIMOUS CONSENT - Member Excused

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

SELECT FILE

LEGISLATIVE BILL 642. Ms. Schimek offered the following amendment to the Avery pending amendment:
FA403

Amend AM2889, insert:

Between August 1, 1997, and January 1, 1998, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by the Health and Human Services Committee of the Nebraska Legislature. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of their case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

On or before January 1, 1998, the Health and Human Services Committee of the Nebraska Legislature shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 14 nays, and 21 not voting.

Ms. Schimek asked unanimous consent to replace her pending amendment, FA403, with a substitute amendment. No objections. So ordered.

Ms. Schimek withdrew her amendment, FA403.

Ms. Schimek offered the following substitute amendment to the Avery pending amendment:
FA404

Amend the Avery amendment, AM2889, by adding the following new section:

Between August 1, 1997, and January 1, 1998, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by a consultant recommended by the Health and Human Services Committee with the approval of the Executive Board. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of their case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

On or before January 1, 1998, the Health and Human Services Committee shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section.

Ms. Schimek moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 22:

Avery	Crosby	Janssen	Matzke	Stuhr
Beutler	Elmer	Klein	McKenzie	Warner
Bohlke	Fisher	Landis	Schimek	Wesely
Brashear	Hartnett	Lynch	Schmitt	Wickersham
Brown	Hillman			

Voting in the negative, 17:

Abboud	Cudaback	Jones	Robinson	Wehrbein
Bernard-Stevens	Engel	Kristensen	Schrock	Witek
	Hudkins	Pedersen	Vrtiska	Withem
Coordsen	Jensen	Pirsch		

Present and not voting, 7:

Bromm	Lindsay	Preister	Robak	Schellpeper
Dierks	Maurstad			

Excused and not voting, 3:

Chambers	Hilgert	Will

The Schimek amendment lost with 22 ayes, 17 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman renewed her pending amendment, AM2896, found in the Journal on page 582, to the Avery pending amendment.

Messrs. Schrock and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

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

SPEAKER WITHEM PRESIDING

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

The Hillman amendment lost with 3 ayes, 22 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 900. Placed on Select File as amended.
E & R amendment to LB 900:
AM7178

1. On page 2, line 8, strike "70-1546" and insert "79-1546"; in line 19 strike the second "to" and insert ", 79-3369, 79-3370,"; in line 20 strike "79-3371,"; in line 23 after "79-3818" insert ", 79-3820"; in line 25 strike "83-121," and strike "84-1401" and insert "84-1408"; in line 38 strike "to" and insert a comma; in line 42 after the last comma insert "79-3368, 79-3371,";

and in line 45 after the second comma insert "83-121,".

2. On page 5, strike beginning with the second "or" in line 37 through "impracticable" in line 38; and in line 40 after "grade" insert ", or when illness or severe weather conditions make attendance impossible or impracticable".

3. On page 6, line 31, strike "if" and insert "of".

4. On page 13, line 31, strike "sections" and show as stricken and after the stricken matter insert "section"; and in line 47 strike "student" and insert "students".

5. On page 23, line 5, strike "spearately" and insert "separately".

6. On page 24, line 8, after "98" insert "of this act".

7. On page 43, lines 14 and 25, strike "sections" and show as stricken; and in line 41 strike "body", show as stricken, and insert "board".

8. On page 47, line 16, strike "board", show as stricken, and insert "State Board of Education".

9. On page 51, line 44, reinstate the stricken comma.

10. On page 53, line 37, strike "higher", show as stricken, and insert "postsecondary".

11. On page 56, line 27, strike "(1)" and show as stricken; and in line 45 strike "the" and show as stricken.

12. On page 59, line 17, strike the new matter and reinstate the stricken matter.

13. On page 64, line 12, strike the comma and show as stricken.

14. On page 66, line 11, strike "or" and insert "and".

15. On page 68, line 54, strike the new matter and reinstate the stricken matter.

16. On page 76, line 54, after "located" insert an underscored comma and strike the new matter.

17. On page 81, line 53, after "or" insert an underscored comma.

18. On page 83, line 9, strike "subsection" and insert "section".

19. On page 93, line 7, after "201" insert "to 206, 208".

20. On page 97, line 19, reinstate the first stricken comma; and in line 28 after the period insert "This section applies to Class IV and V districts only.".

21. On page 103, line 5, after "5" insert "SCHOOL BOARDS"; in line 9 after "The" insert "school board or"; and in line 16 strike "governing board", show as stricken, and insert "school board or board of education".

22. On page 108, line 19, strike "shall have", show as stricken, and insert "has"; and in line 34 strike "chairman", show as stricken, and insert "chairperson".

23. On page 110, line 53, after the last comma insert "the secretary of the school board or board of education shall".

24. On page 117, line 28, after "members" insert ", one"; and in line 29 after "32-545" insert an underscored comma.

25. On page 121, line 27, strike "shall" and show as stricken.

26. On page 123, line 24, strike "paper", show as stricken, and insert "newspaper".

27. On page 125, line 15, strike "(a)", show as stricken, and insert "(1)"; in line 16 strike "(b)", show as stricken, and insert "(2)"; and in line 17 strike "(c)", show as stricken, and insert "(3)".

28. On page 128, line 43, strike "(a)" and insert "(1)"; in line 44 strike "(b)" and insert "(2)"; in line 45 strike "(c)" and insert "(3)"; and in line 48 strike "(d)" and insert "(4)".

29. On page 130, line 33, after "subsection" insert "and subsection (4) of this section".

30. On page 137, line 27, after "(2)" insert "(a)"; in line 29 after the stricken matter insert "(b)"; in line 30 after the stricken matter insert "(c)"; and in line 41 strike "of board or", show as stricken, and insert "or board of ".

31. On page 142, lines 33 and 42, strike "sections" and show as stricken.

32. On page 147, line 4, strike "397" and insert "396"; and in line 10 strike the comma, show as stricken, and insert "and".

33. On page 151, line 13, strike "shall" and show as stricken.

34. On page 153, line 23, strike ", 85-1413,".

35. On page 168, line 50, strike the comma and show as stricken.

36. On page 171, line 26, strike the new matter.

37. On page 176, line 42, strike "420" and insert "351"; and in line 44 strike "304" and insert "248".

38. On page 177, line 1, strike "479" and insert "478"; in line 16 strike "section" and show as stricken; and in line 19 after "section" insert "156,".

39. On page 183, line 26, strike "of" and show as stricken.

40. On page 191, line 34, strike "507" and insert "523".

41. On page 197, line 25, reinstate the stricken matter; and in lines 25 and 26 strike the new matter.

42. On page 199, line 48, reinstate the stricken matter and strike the new matter; and in line 49 strike the new matter.

43. On page 404, lines 52 and 55, strike "section".

44. On page 406, line 14, strike "79-3341", show as stricken, and insert "834 of this act".

45. On page 422, line 55, strike "70-1546" and insert "79-1546".

46. On page 423, line 9, strike "to 79-3371" and insert ", 79-3369, 79-3370"; in line 12 after "79-3818" insert ",

79-3820"; in line 13 strike "83-121,"; in line 14 strike "84-1401" and insert "84-1408"; in line 24 strike "to" and insert a comma; in line 28 after "79-3366," insert "79-3368, 79-3371,"; and in line 30 after the fourth comma insert "83-121,".

LEGISLATIVE BILL 948. Placed on Select File.
LEGISLATIVE BILL 949. Placed on Select File.

LEGISLATIVE BILL 750. Placed on Select File as amended.
E & R amendment to LB 750:
AM7177

1. In the Landis amendment, AM2833, on page 1, line 8, strike ", as amended, 42 U.S.C. 2011 et seq.,".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 651. Indefinitely postponed.
LEGISLATIVE BILL 664. Indefinitely postponed.
LEGISLATIVE BILL 733. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Transportation

LEGISLATIVE BILL 1035. Placed on General File.

LEGISLATIVE BILL 953. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 131. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.

(Signed) Bob Wickersham, Chairperson

Health and Human Services

LEGISLATIVE BILL 1001. Placed on General File as amended.
Standing Committee amendment to LB 1001:
AM2835

1. On page 2, line 25, strike "primary" and insert "preferred".

2. On page 4, line 9, after "given" insert "primary"; in line 11 strike "other" and insert "preference shall be given to";

in line 12 strike "shall" through "consideration"; and strike lines 22 and 23 and insert "preference shall be given to relatives for the permanent placement of the child".

LEGISLATIVE BILL 1060. Placed on General File as amended.
Standing Committee amendment to LB 1060:
AM2815

1. Insert the following new section:

"Sec. 7. A licensed optometrist who diagnoses and treats glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery who diagnoses and treats glaucoma.".

2. On page 2, strike the new language in lines 15 through 18.

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Messrs. Warner, Withem, Bromm, Wehrbein, Coordsen, and Mrs. Hillman filed the following amendment to LB 1226:
AM2874

1. Insert the following new sections:

"Sec. 2. Section 66-1513, Revised Statutes Supplement, 1994, is amended to read:

66-1513. Remedial action shall mean any immediate or long-term response to a release or suspected release in accordance with rules and regulations adopted and promulgated by the department or the State Fire Marshal, including tank testing only in conjunction with a release or suspected release, site investigation, site assessment, cleanup, restoration, mitigation, and any other action ordered by the department or the State Fire Marshal which is reasonable and necessary. Remedial action shall not include:

(1) Tank restoration, upgrading, replacement, or rehabilitation;

(2) Actions which do not minimize, eliminate, or clean up a release or suspected release to protect the public safety, health, and welfare or the environment; or

(3) Aesthetic improvements.

Costs of remedial action shall not include costs for the actions specified in subdivisions (1) through (3) of this section, loss of income, attorney's fees, or reimbursement for the responsible person's own time spent in planning and administering a corrective action plan.

Sec. 15. Section 81-15,124.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,124.01. (1) The Environmental Quality Council

shall adopt rules and regulations governing all phases of remedial action to be taken by owners, operators, and other persons in response to a release or suspected release of a regulated substance from a tank. Such rules and regulations shall include:

(a) Provisions governing remedial action to be taken by owners and operators pursuant to section 81-15,124;

(b) Provisions by which the owner, operator, or other person responding to a release or suspected release may determine the cleanup levels to be achieved through soil or water remediation and the applicable limitations for air emissions at the petroleum release site or occurring by reason of such remediation; and

(c) Such other provisions necessary to carry out the Petroleum Products and Hazardous Substances Storage and Handling Act.

(2) The Environmental Quality Council shall take into account (a) risk-based corrective action assessment principles using a tiered approach consistent with the American Society for Testing of Materials guidance for risk-based corrective action applicable to petroleum release sites and (b) rules and regulations proposed by the technical advisory committee established in section 16 of this act. ~~The Environmental Quality Council shall adopt and promulgate rules and regulations governing the plan for remedial action to be taken by owners and operators pursuant to section 81-15,124.~~

Sec. 16. In order to implement the Petroleum Products and Hazardous Substances Storage and Handling Act and the Petroleum Release Remedial Action Act, the Director of Environmental Quality shall appoint a technical advisory committee to work with the Department of Environmental Quality and the Environmental Quality Council. The duties of the committee are advisory only, and any decisions regarding the adoption and implementation of any rules, regulations, or proposals prescribed in this section shall be made solely by the council and the department. Committee members shall include, but not be limited to:

(1) The Director of Environmental Quality or his or her designee;

(2) The State Fire Marshal or his or her designee;

(3) The executive director of the Nebraska Petroleum Marketers or his or her designee;

(4) The executive director of the League of Nebraska Municipalities or his or her designee;

(5) The executive director of the Nebraska Association of County Officials or his or her designee;

(6) The executive director of the Nebraska Petroleum Council or his or her designee;

(7) The executive director of the American Consulting Engineers Council of Nebraska or his or her designee;

(8) The executive director of the Nebraska Chamber of Commerce and Industry or his or her designee; and

(9) The executive director of the Associated Builders and Contractors or his or her designee.

Committee members shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 17. (1) The technical advisory committee created in section 16 of this act shall propose criteria for certification of consultants for remedial action of petroleum release sites to the Natural Resources Committee of the Legislature.

(2) The technical advisory committee shall prepare and submit to the Environmental Quality Council draft rules and regulations to implement the Petroleum Products and Hazardous Substances Storage and Handling Act and the Petroleum Release Remedial Action Act. The committee shall take into account risk-based corrective action assessment principles, using a tiered approach consistent with the American Society for Testing of Materials guidance for risk-based corrective action as applied at petroleum release sites.

(3) The committee shall propose to the Department of Environmental Quality:

(a) Revisions to current rules and regulations, guidance manuals, protocols, or any other material generated by the department and used to administer the Petroleum Products and Hazardous Substances Storage and Handling Act and the Petroleum Release Remedial Action Act;

(b) Recommendations regarding the use of land in areas where contamination is left in place under risk-based corrective action;

(c) Recommendations for a guidance manual directing the collection of specific information at the time of tank excavation for purposes of assessing preliminary technical data and to more quickly determine appropriate classification of a site;

(d) Maximum and minimum numbers of monitoring wells required in conjunction with site assessment and cleanup;

(e) Revisions to the current site classification system taking to account risk-based corrective action assessment principles, using a tiered approach consistent with the american society for testing of materials guide for risk-based corrective action applied at petroleum release sites; and

(f) A state map, which categorizes areas within the state based on criteria, such as rainfall, depth to ground water, and ground-water velocity, to assist the determination of appropriate site classifications for petroleum release sites.

(4) The committee shall submit a proposal to the department regarding:

(a) A reasonable number of remedial actions per year to be undertaken at petroleum release sites;

(b) A reasonable number of evaluations at petroleum release sites to be conducted per year to determine whether appropriate cleanup levels have been met and the site closed; and

(c) A reasonable number of monitored petroleum sites to be evaluated per year for purposes of determining whether monitoring requirements should be minimize or terminated and the site closed.

(5) The committee shall submit a written report to the council detailing the committee's proposed rules, regulations, other proposals, and map required in this section.

(6) The committee shall cease to exist when final rules and regulations implementing the Petroleum Products and Hazardous Substances Storage and Handling Act and the Petroleum Release Remedial Action are adopted and promulgated by the council.".

2. On page 3, strike beginning with "(1)" in line 27 through line 28 and show as stricken.

3. On page 4, strike beginning with line 1 through "(2)" in line 12, show the old matter as stricken, and insert:

"(1) The Environmental Quality Council shall adopt rules and regulations governing reimbursements authorized under the Petroleum Release Remedial Action Act. Such rules and regulations shall include:

(a) Procedures regarding the form and procedure for application for payment or reimbursement from the fund;

(b) Procedures requiring advanced cost estimates for all phases or stages of a remedial action;

(c) Procedures for the requirement of submitting cost estimates for phases or stages of remedial actions, procurement requirements to be followed by responsible persons, and requirements for reuse of tangible personal property by a responsible person during a remedial action;

(d) Procedures for investigation of claims for payment or reimbursement;

(e) Procedures for determining the amount and type of costs that are eligible for payment or reimbursement from the fund;

(f) Procedures for auditing persons who have received payments from the fund;

(g) Procedures for reducing reimbursements made for a remedial action for failure by the responsible person to comply with applicable statutory or regulatory requirements. Reimbursement may be reduced as much as one hundred percent; and

(h) Such other procedures necessary to carry out the act.

(2) Such rules and regulations shall take into account the proposed rules and regulations developed by the technical advisory committee established pursuant to section 16 of this act.

(3) The director shall (a) determine the total of all cost estimates for approved remedial action, the total of all pending claims for payment or reimbursement, and the total of all funds available for reimbursement of such claims and (b) report to the Legislature at the end of each fiscal year the current status of the determinations made pursuant to subdivision (a) of this subsection.

(4)"; and in line 27, strike "(3)", show as stricken, and insert "(5)".

4. On page 13, line 7, after the period insert "The State Fire Marshal shall issue a determination with respect to an applicant's compliance with rules and regulations adopted and promulgated by the State Fire Marshal. If after sixty days the State Fire Marshal fails to issue a compliance determination to the department, the department shall deem the applicant is in compliance with such rules and regulations.".

5. On page 24, line 7, after "(7)" insert "Remedial action shall mean any immediate or long-term response to a release or suspected release of a regulated substance in accordance with rules and regulations adopted and promulgated by the department or the State Fire Marshal, including tank testing, immediate abatement, site investigation, site assessment, cleanup, restoration, mitigation, and any other action which is reasonable and necessary under the Petroleum Products and Hazardous Substances Storage and Handling Act;

(8)".

6. On page 25, line 9, strike "(8)", show as stricken, and insert "(9)"; in line 20 strike "and 81-15,119" and insert "81-15,119, and 81-15,124.01"; and in line 21 after the first comma insert "66-1513,".

7. Renumber the remaining sections and correct internal references accordingly.

Mrs. Hillman filed the following amendment to LB 469:
AM2883

(Amendments to E & R amendments, AM7168)

1. Insert the following new section:

"Sec. 5. Section 19-4622, Reissue Revised Statutes of Nebraska, is amended to read:

19-4622. Customers of the utility in a rate area shall have the right to appear, participate, and present testimony at the hearing provided for in section 19-4616 and shall have such evidence considered by the municipalities in the rate determination. When the interests of any customers are substantially similar, the hearing officer may provide that such class of customers join in presentation of the evidence at the hearing so as to expedite the proceedings. Customers who desire to present testimony and participate at the hearing shall follow the requirements for municipal staff or agents as provided in subsection (1) of section 19-4616. All customers shall be provided with notice of these rights, which notice shall be provided by the utility in the notice required by subsection (2) of section 19-4615.".

2. On page 1, line 9, strike "dates" and insert "cycles and billing schedules".

3. On page 4, line 12, strike "one hundred twenty" and

insert "seventy-five"; and strike beginning with "inform" in line 15 through line 18 and insert "provide the utility with notice of its decision. Prior to setting the date, time, and place of the rate area hearing and any sites for videoconference participation, the municipality shall consult with the utility to insure that the utility has sufficient time following its receipt of notice to comply with its duty to notify customers as provided in subsection (2) of section 19-4615.".

4. On page 5, line 12, after "hearing" insert "by the end of the seventy-fifth countable day after the day of filing".

5. On page 10, line 6, strike "and" and after the last comma insert "and 19-4622,".

6. Renumber the remaining section accordingly.

Mr. Avery filed the following amendment to LB 642A:
AM2895

1. Strike the original section and insert the following new section:

"Section 1. There is hereby appropriated (1) $93,849 from the General Fund and $106,501 from federal funds for FY1996-97 and (2) $91,629 from the General Fund and $236,539 from federal funds for FY1997-98 to the State Foster Care Review Board, for Program 116, to aid in carrying out the provisions of Legislative Bill 642, Ninety-fourth Legislature, Second Session, 1996.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $139,057 for FY1996-97 or $238,137 for FY1997-98.

The appropriation to the Department of Social Services for Program 341 shall be reduced by $63,242 General Funds and $46,988 federal funds for FY1996-97 and by $184,720 General Funds and $93,961 federal funds for FY1997-98.

The personal service limit shall be reduced by $119,942 for FY1996-97 and by $237,069 for FY197-98.".

Mr. Bernard-Stevens filed the following amendment to LB 642:
AM2902

(Amendments to AM2889)

1. On page 3, strike lines 18 through 27.

2. On page 4, strike lines 1 and 2.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 1052	Wednesday, January 31, 1996	1:30 p.m.
LB 1100	Wednesday, January 31, 1996	1:30 p.m.
LB 1168	Wednesday, January 31, 1996	1:30 p.m.
LB 1209	Wednesday, January 31, 1996	1:30 p.m.
LB 1312	Wednesday, January 31, 1996	1:30 p.m.

LB 1316	Wednesday, January 31, 1996	1:30 p.m.
LB 1282	Wednesday, January 31, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 1380. No objections. So ordered.

ANNOUNCEMENT

Mr. Wickersham announced the Nebraska Retirement Systems Committee will hold an executive session on Wednesday, January 24, 1996, in Room 2022, immediately after adjournment.

UNANIMOUS CONSENT - Room Change

Mr. Robinson asked unanimous consent for the Government, Military and Veterans Affairs Committee to hold its public hearing in Room 2102 instead of Room 1507 at 1:30 p.m. today. No objections. So ordered.

UNANIMOUS CONSENT - Members Excused

Messrs. Janssen, Hilgert, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

MRS. BOHLKE PRESIDING

MOTION - Approve Appointments

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 460: Larry Sitzman - Nebraska Railway Council; James Anderson, James Bauer, David Coolidge, and Larry Herrmann - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 26:

Avery	Elmer	Klein	Pedersen	Schmitt
Bernard-Stevens	Engel	Kristensen	Preister	Stuhr
Bohlke	Hillman	Lindsay	Robak	Wesely
Crosby	Hudkins	Matzke	Robinson	Wickersham
Dierks	Jensen	Maurstad	Schellpeper	Withem
	Jones			

Voting in the negative, 0.

Present and not voting, 15:

Abboud	Brown	Hartnett	McKenzie	Vrtiska
Brashear	Coordsen	Landis	Pirsch	Warner
Bromm	Fisher	Lynch	Schimek	Witek

Excused and not voting, 8:

Beutler	Cudaback	Janssen	Wehrbein	Will
Chambers	Hilgert	Schrock		

These appointments were confirmed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 549: Sharon Jackson, Eldon Orth, and Henry Thieman - Board of Public Roads Classifications and Standards.

Voting in the affirmative, 27:

Avery	Crosby	Jensen	Maurstad	Schrock
Bernard-Stevens	Dierks	Jones	Pedersen	Stuhr
Bohlke	Elmer	Klein	Robinson	Wesely
Bromm	Engel	Kristensen	Schellpeper	Wickersham
Brown	Hillman	Lindsay	Schmitt	Withem
	Hudkins	Matzke		

Voting in the negative, 0.

Present and not voting, 14:

Abboud	Fisher	Lynch	Preister	Warner
Brashear	Hartnett	McKenzie	Schimek	Witek
Coordsen	Landis	Pirsch	Vrtiska	

Excused and not voting, 8:

Beutler	Cudaback	Janssen	Wehrbein	Will
Chambers	Hilgert	Robak		

These appointments were confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Lindsay moved the adoption of the report of the Judiciary Committee for the following Governor appointment found in the Journal on page 566: Esther L. Casmer - Nebraska Board of Parole.

Voting in the affirmative, 27:

Avery	Crosby	Klein	Robinson	Stuhr
Bernard-Stevens	Dierks	Lindsay	Schellpeper	Warner
Bohlke	Elmer	Matzke	Schimek	Wesely
Bromm	Engel	Maurstad	Schmitt	Wickersham
Brown	Jensen	Pedersen	Schrock	Witek
	Jones	Pirsch		

Voting in the negative, 0.

Present and not voting, 12:

Abboud	Fisher	Hudkins	Lynch	Preister
Brashear	Hartnett	Landis	McKenzie	Vrtiska
Coordsen	Hillman			

Excused and not voting, 10:

Beutler	Cudaback	Janssen	Robak	Will
Chambers	Hilgert	Kristensen	Wehrbein	Withem

The appointment was confirmed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointment found in the Journal on page 566: Michael Harsh, Sheila Hawes, and Anne Rismiller - Nebraska Arts Council; Ted Stutheit - State Electrical Board.

Voting in the affirmative, 25:

Bernard-Stevens	Dierks	Klein	Pirsch	Schrock
Bohlke	Elmer	Lindsay	Robinson	Stuhr
Bromm	Engel	Matzke	Schellpeper	Warner
Brown	Jensen	Maurstad	Schimek	Wesely
Crosby	Jones	Pedersen	Schmitt	Wickersham

Voting in the negative, 0.

Present and not voting, 14:

Abboud	Avery	Brashear	Coordsen	Fisher

Hartnett	Hudkins	Lynch	Preister	Witek
Hillman	Landis	McKenzie	Vrtiska	

Excused and not voting, 10:

Beutler	Cudaback	Janssen	Robak	Will
Chambers	Hilgert	Kristensen	Wehrbein	Withem

These appointments were confirmed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 304. Read. Considered.

LEGISLATIVE RESOLUTION 305. Read. Considered.

LEGISLATIVE RESOLUTION 306. Read. Considered.

LEGISLATIVE RESOLUTION 296. Read. Considered.

LEGISLATIVE RESOLUTION 298. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 304, 305, 306, 296, and 298 were adopted with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 910 and LB 1357. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 754. Placed on General File as amended.
Standing Committee amendment to LB 754:
AM2897

1. Strike the original sections and insert the following new sections:

"Section 1. All applicants for the first issuance of any certificate or permit to teach, counsel, supervise, or administer in elementary or secondary schools in this state shall file a complete set of fingerprints with the Commissioner of Education or the Nebraska State Patrol unless the applicant has been a resident of Nebraska for at least five years immediately preceding such application

Sec. 2. Upon request by the Commissioner of Education, the Nebraska State Patrol shall undertake a search for criminal history record information relating to an applicant described in

section 1 of this act, including transmittal of the applicant'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 applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the Commissioner of Education and to the applicant which shall include the criminal history record information concerning the applicant.

Sec. 3. The Commissioner of Education may deny issuance of a certificate to any applicant who has a felony conviction or any misdemeanor conviction involving abuse, neglect, or sexual misconduct. In reviewing a conviction of an applicant, the Commissioner of Education shall take into consideration, prior to denial, any information submitted by the applicant regarding (1) the facts and circumstances surrounding a conviction, (2) the type of offense and the sentence imposed, (3) the date of the offense, (4) the age of the applicant at the time of the offense, and (5) the applicant's conduct and positive social contributions since the offense.

Sec. 4. Criminal history record information obtained pursuant to section 2 of this act shall remain confidential and may be released only upon the written authorization by the applicant, except that if the applicant appeals the denial of a certificate or permit, the filing of such appeal shall constitute a release of the information for the limited purpose of the appeal. If the applicant requests a closed hearing, such request shall be granted and only the final order shall be a public record.

Sec. 5. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 1 to 4 of this act.

Sec. 6. The State Board of Education shall determine and set the costs for processing criminal history record information checks under sections 1 to 7 of this act which shall be borne by the applicant for a certificate or permit described in section 1 of this act. The costs shall be limited to the actual direct and indirect costs arising from the processing of the criminal history record information checks.

Sec. 7. An applicant subject to sections 1 to 7 of this act shall be issued a conditional certificate or permit prior to receipt by the Commissioner of Education of the criminal history record information check if the applicant signs a statement that identifies all crimes of which the applicant has been convicted and the Commissioner of Education determines the applicant to be of suitable character and otherwise qualified. An applicant's conditional certificate permit is void upon the Commissioner of Education's receipt of the Nebraska State Patrol report regarding the applicant's criminal history record information check and

determination that the applicant does not meet the requirements for issuance of a certificate or permit. The applicant may request a hearing regarding the denial of a certificate or permit as provided by the rules and regulations adopted pursuant to section 79-1247.05.

Sec. 8. Section 79-1247.06, Reissue Revised Statutes of Nebraska, is amended to read:

79-1247.06. The maximum which the board may require for the first issuance of any certificate or permit, valid for teaching only in all schools for a term of not less than three years, shall be that the applicant is of sound mental and physical health and of good moral character and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels and subject fields or areas of specialization and that the applicant (1) has a baccalaureate degree, except that a master's degree shall be required for the first issuance of any teaching certificate with a speech-language pathologist endorsement, (2) has filed a complete set of fingerprints for a criminal history record information check if required by section 1 of this act, (3) in the case of any person who matriculates in a teacher training program, has satisfactorily completed within two years of the date of application the institution's regular approved or accredited program of preparation for teaching and has met all other appropriate requirements of the institution as a teacher, ~~(3)~~ (4) has achieved a satisfactory score on the basic skills competency examinations established or designated by the State Board of Education pursuant to section 79-1247.05 prior to (a) admission into a Nebraska teacher training program or (b) certification in the case of individuals recommended for certification by a postsecondary institution outside of Nebraska or individuals not matriculating in a teacher training program, and ~~(4)~~ (5) has performed at a satisfactory level, as determined by the State Board of Education, on a subject area examination established or designated by the State Board of Education in each area for which endorsement is sought.

Sec. 9. Original section 79-1247.06, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENT

The Judiciary Committee designates LB 866 as its priority bill.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, January 25, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTEENTH DAY - JANUARY 25, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 25, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Dr. Robert Kunz, First Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Elmer, Kristensen, Landis, Lindsay, Matzke, Pedersen, Robinson, Warner, Will, Mmes. Bohlke, Brown, Hudkins, McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

ANNOUNCEMENTS

Mrs. Witek designates LB 645 as her priority bill.

Mr. Kristensen designates LB 681 as his priority bill.

Mr. Hilgert designates LB 754 as his priority bill.

MESSAGES FROM THE GOVERNOR

January 23, 1996

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 Coordinating Commission for Postsecondary Education.

APPOINTEES:
Randolph Ferlic, 2254 South 84th Avenue, Omaha, NE 68124
Frances C. White, 2052 Calvert, Lincoln, NE 68502
John Emery, 9504 Capitol Avenue, Omaha, NE 68114
Dr. Helen E. Morten, 201 Wedgewood Place, South Sioux City, NE 68776

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 24, 1996

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 Public Employees Retirement Board.

APPOINTEES:
Robert J. Corner, 8110 Talbot Trail, Lincoln, NE 68506
Robert R. Moran, 806 Laramie Avenue, Alliance, NE 69301
Julia M. Moeller, 1003 Burlington, Hastings, NE 68901

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GENERAL FILE

LEGISLATIVE BILL 700A. Title read. Considered.

Mr. Wickersham renewed his pending amendment, AM2852, found in the Journal on page 561.

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

Messrs. Cudaback, Avery, and Fisher asked unanimous consent to be excused until they return. 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 20 ayes, 1 nay, and 28 not voting.

Mr. Withem requested a record vote on the motion to cease debate.

Voting in the affirmative, 25:

Bernard-Stevens	Elmer	Hudkins	Maurstad	Stuhr
Beutler	Engel	Klein	McKenzie	Wehrbein
Bohlke	Hartnett	Landis	Pedersen	Wesely
Brashear	Hilgert	Lynch	Preister	Wickersham
Brown	Hillman	Matzke	Schrock	Withem

Voting in the negative, 9:

Bromm	Dierks	Jensen	Schmitt	Witek
Coordsen	Janssen	Jones	Vrtiska	

Present and not voting, 4:

Chambers	Crosby	Schellpeper	Schimek

Excused and not voting, 11:

Abboud	Fisher	Lindsay	Robak	Warner
Avery	Kristensen	Pirsch	Robinson	Will
Cudaback				

The motion to cease debate prevailed with 25 ayes, 9 nays, 4 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 2 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 847A. 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.

SELECT FILE

LEGISLATIVE BILL 584. E & R amendment, AM7167, printed separately and referred to on page 374, was adopted.

Mrs. Hillman renewed her pending amendment, AM2887, found in the Journal on page 568.

Messrs. Engel, Coordsen, and Kristensen 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, 1 nay, and 21 not voting.

The Hillman amendment was adopted with 25 ayes, 2 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 469. E & R amendment, AM7168, found in the Journal on page 375, was adopted.

Mr. Hartnett renewed his pending amendment, AM2679, found in the Journal on page 351.

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

The Hartnett amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mrs. Hillman renewed her pending amendment, AM2883, found in the Journal on page 594.

The Hillman amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
AM2918

(Amendments to E & R amendments, AM7168)

1. Insert the following new section:

"Sec. 5. Section 84-1411, Reissue Revised Statutes of Nebraska, is amended to read:

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act, or of the governing body of a public power district having a chartered territory of more than fifty counties in this state may be held by means of videoconferencing if:

(a) Reasonable advance publicized notice is given;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference;

(d) At least one member of the state entity, advisory committee, or governing body is present at each site of the videoconference; and

(e) No more than one-half of the state entity's, advisory committee's, or governing body's meetings in a calendar year are held by videoconference.

Videoconferencing shall not be used to circumvent any of the public government purposes established in sections 84-1408 to 84-1414.

(3) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of

meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(4) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (3) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(5) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

(6) It is the intent of the Legislature that on or before January 1, 1997, the Government, Military and Veterans Affairs Committee of the Legislature review the effects of subsections (2) and (5) of this section on openness of meetings, effectiveness of public access arrangements, costs and cost-savings, and any tendency observed to abuse or circumvent the open meeting provisions of sections 84-1408 to 84-1414. The committee shall develop and propose any corrective legislation it deems necessary.".

2. On page 10, line 6, strike "and 19-4616" and insert "19-4616, and 84-1411".

3. Strike the Hartnett amendment, AM2679.

4. Renumber the remaining section accordingly.

The Beutler 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.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 972. Placed on General File.
LEGISLATIVE BILL 973. Placed on General File.
LEGISLATIVE BILL 1028. Placed on General File.
LEGISLATIVE BILL 1053. Placed on General File.

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendment to LB 536:
AM2893

1. Strike original section 8.

2. On page 2, strike beginning with "Since" in line 5 through "act" in line 12 and insert "It is not the intent of the Legislature to establish a standard of care applicable to establishers of automatic teller machines in connection with user safety".

3. On page 2, lines 18 and 23; page 6, line 2; page 8, line 25; and page 9, lines 8 and 22, strike "9" and insert "8".

4. On page 5, lines 11 and 13; page 6, lines 5, 9, 20, and 22; and page 7, lines 23, 25, and 27, strike "1995" and insert "1996".

5. On page 6, lines 9 and 23, strike "1997" and insert "1998".

LEGISLATIVE BILL 941. Indefinitely postponed.
LEGISLATIVE BILL 1146. Indefinitely postponed.

(Signed) David Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 1225	Thursday, February 1, 1996	1:30 p.m.
LB 1248	Thursday, February 1, 1996	1:30 p.m.
LB 1375	Thursday, February 1, 1996	1:30 p.m.
LB 1062	Friday, February 2, 1996	1:30 p.m.
LB 1095	Friday, February 2, 1996	1:30 p.m.
LB 1303	Friday, February 2, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Business and Labor

LB 1167	Monday, February 5, 1996	1:30 p.m.
LB 1212	Monday, February 5, 1996	1:30 p.m.
LB 1129	Monday, February 5, 1996	1:30 p.m.
LB 1130	Monday, February 5, 1996	1:30 p.m.
LB 903	Monday, February 5, 1996	1:30 p.m.
LB 1126	Monday, February 12, 1996	1:30 p.m.
LB 1144	Monday, February 12, 1996	1:30 p.m.
LB 1230	Monday, February 12, 1996	1:30 p.m.
LB 914	Monday, February 12, 1996	1:30 p.m.
LB 1042	Monday, February 12, 1996	1:30 p.m.

(Signed) Chris Abboud, Chairperson

SELECT FILE

LEGISLATIVE BILL 414. E & R amendment, AM7170, printed separately and referred to on page 427, was adopted.

Mr. Withem offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2762)

Messrs. Wickersham and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Withem offered the following amendment:
AM2914

(Amendments to AM2762)

1. On page 12, line 4, strike "certified", show as stricken, and insert "advanced registered"; and in line 8 after the second "the" insert "advanced registered".

2. On page 22, line 5, strike the new matter and before "and" insert "for advanced practice in a clinical specialty area".

3. On page 24, line 3, after "specialty" insert ", related specialty,".

4. On page 25, strike beginning with "Patients" in line 3 through line 6.

5. On page 27, line 17, strike "scope" through "71-1721" and insert "Advanced Registered Nurse Practitioner Act".

6. On page 30, line 16, strike "Application requirements," show as stricken, and insert "Requirements".

7. On page 32, line 16, strike "title" and insert "abbreviation"; and strike beginning with "Before" in line 19 through line 27 and insert "An advanced registered nurse practitioner who (a) has a master's degree or doctorate degree in nursing and has completed an approved nurse practitioner program, (b) who can demonstrate separate course work in pharmacotherapeutics, advanced health assessment, and pathopsychology or psychopathology, and (c) who has completed a minimum of two thousand hours of practice under the supervision of a physician shall (i) submit to the department an integrated practice agreement with a collaborating physician and (ii) furnish proof of professional liability insurance required under section 33 of this act prior to commencing practice.

(2) An advanced registered nurse practitioner who intends to practice the clinical specialty of neonatal or women's health and who does not meet the education and training requirements of subsection (1) of this section or an advanced registered nurse practitioner who needs to obtain the two thousand hours of supervised practice required under subdivision (1)(c) of this section shall (a) submit to the department one or more integrated practice agreements with a collaborating physician, (b) furnish

proof of jointly approved protocols with a collaborating physician which shall guide the nurse practitioner's practice, and (c) furnish proof of professional liability insurance required under section 33 of this act.".

8. On page 33, strike lines 1 through 6; and in line 10 strike "department" and insert "Board of Advanced Registered Nurse Practitioners".

9. On page 34, strike lines 20 and 21 and insert "These continuing education hours shall fulfill the requirements of continuing education required for registered nurse renewal;"; and in line 24 after "renewal" insert ". These practice hours shall fulfill the requirements of the practice hours required for registered nurse renewal".

10. On page 35, line 15, after "program" insert "or supervised practice as provided in subsection (2) of section 23 of this act"; and in line 25 strike "or suspended", show as stricken, and insert ", suspended, or disciplined in any other manner".

The Withem 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 414A. E & R amendment, AM7171, found in the Journal on page 427, was adopted.

Mr. Withem offered the following amendment:
AM2910

1. Strike the original section and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated (1) $25,487 from the Bureau of Examining Boards' Cash Fund for FY1996-97 and (2) $10,265 from the Bureau of Examining Boards' Cash Fund for FY1997-98 to the Department of Health, for Program 178, to aid in carrying out the provisions of Legislative Bill 414, Ninety-fourth Legislature, Second Session, 1996.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $11,945 for FY1996-97 or $6,016 for FY1997-98.".

The Withem amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 700. E & R amendment, AM7169, found in the Journal on page 515, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 847. E & R amendment, AM7173, printed separately and referred to on page 520, was adopted.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM2864, found in the Journal on page 557, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM2864, found in the Journal on page 557.

Mr. Wickersham offered the following substitute amendment:
AM2892

(Amendments to E & R amendments, AM7173)

1. Strike sections 8, 9, 20, and 34 and insert the following new sections:

"Sec. 7. Sections 24-701 to 24-714 and this section shall be known and may be cited as the Judges Retirement Act.

Sec. 9. Section 24-710.03, Reissue Revised Statutes of Nebraska, is amended to read:

24-710.03. Any future member who has served as a judge for eighteen years but less than twenty years prior to July 15, 1992, and who has, prior to such date, contributed and earned the maximum benefit pursuant to subsection (2) of section 24-710 may purchase up to two years of service credit in order to qualify for the maximum benefit in effect after July 15, 1992. Service credit may only be purchased for actual time served as a judge. The amount to be paid shall not exceed the amount the member would have paid into the system based on the ~~salary~~ compensation and two years of service immediately following the year in which the member reached the maximum benefit in effect prior to July 15, 1992, plus the interest on that amount which would have accrued under the retirement system provided by ~~sections 24-701 to 24-714~~ the Judges Retirement Act. Any payment made pursuant to this section by a member to qualify for the maximum benefit in effect after July 15, 1992, shall be received by the retirement system office by December 31, 1993. Any such payment shall be made in a single lump sum.

This section shall not apply to any member who retires prior to July 15, 1992.

Sec. 20. Sections 81-2014 to 81-2036 and this section shall be known and may be cited as the Nebraska State Patrol Retirement Act.

Sec. 34. Section 84-1505, Reissue Revised Statutes of Nebraska, is amended to read:

84-1505. ~~The Public Employees Retirement Board shall act~~

~~as custodian for investment contracts purchased in the name of the State of Nebraska under the terms of sections 84-1504 to 84-1506. The board shall receive all rights and incidents of ownership of such investment contracts. The employee shall have no interest in any investment contract or the proceeds thereof~~ All compensation deferred under the plan, all property and rights purchased with the deferred compensation, and all investment income attributable to the deferred compensation, property, or rights shall remain solely the property and rights of the State of Nebraska until such time as payments shall be paid under the terms of the deferred compensation plan.

Sec. 36. Section 84-1509, Reissue Revised Statutes of Nebraska, is amended to read:

84-1509. ~~Under the second method of disbursement mentioned in section 84-1508, the~~ The Public Employees Retirement Board may enter into an administrative services agreement with an organization authorized to conduct business in Nebraska and to administer public employee deferred compensation retirement plans. No such agreement shall be entered into unless the board determines that it will result in administrative economy and will be in the best interests of the state and its participating employees.

Sec. 40. The following section is outright repealed:

Section 84-1508, Reissue Revised Statutes of Nebraska.".

2. On page 4, line 4, after "securities" insert ". This subdivision shall not be construed to require the liquidation of investment contracts or accounts entered into prior to the operative date of this section"; and in line 5 strike "Investment" and insert "Until January 1, 1997, investment".

3. On page 12, line 4; page 16, lines 15 and 16; page 17, line 24; and page 18, line 6, strike "sections 24-701 to 24-714", show as stricken, and insert "the Judges Retirement Act".

4. On page 17, line 2, strike "highest" and strike "years", show as stricken, and insert "twelve-month periods"; in line 3 after "judge" insert "in which compensation was the greatest"; and in line 4 strike "years", show as stricken, and insert "twelve-month periods".

5. On page 18, lines 22 and 26 and 27, strike "such sections", show as stricken, and insert "the act".

6. On page 19, lines 14 and 15, strike the new matter.

7. On page 21, line 10, after "years" insert "and may be removed by the Governor for cause after notice and an opportunity to be heard"; in line 20 strike "funds", show as stricken, and insert "the assets"; and in line 27 after the period insert "The members serving on the operative date of this section shall serve for the remainder of their five-year terms which will be extended until the date on which the successor's appointment is effective.".

8. On page 22, line 21, after the second "the" insert "investment"; in line 22 strike "all retirement funds" and insert "the assets of the retirement systems administered by the board as

provided in section 84-1503"; and in line 23 strike "retirement funds" and insert "the assets of the retirement systems".

9. On page 23, lines 2 and 14, strike "retirement funds" and insert "assets of the retirement systems"; and in line 12 strike "retirement funds" and insert "the assets of the retirement systems".

10. On page 33, line 25; page 35, lines 13 and 14; and page 38, lines 19 and 20, strike "sections 81-2014 to 81-2036", show as stricken, and insert "the Nebraska State Patrol Retirement Act".

11. On page 34, line 7, after "determinations" insert "until such percent is amended by the Legislature".

12. On page 36, lines 2 and 3, strike "sections 81-2014 to 81-2036", show as stricken, and insert "the act".

13. On page 37, line 5, strike "highest", strike "years", show as stricken, and insert "twelve-month periods", and after "officer" insert "in which compensation was the greatest".

14. On page 45, line 13, strike "such retirement system" and insert "the State Employees Retirement System of the State of Nebraska".

15. On page 46, line 3, after "securities" insert ". This subdivision shall not be construed to require the liquidation of investment contracts or accounts entered into prior to the operative date of this section"; and in line 4 strike "Investment" and insert "Until January 1, 1997, investment".

16. On page 48, lines 18, 19, and 22, strike "retirement funds" and insert "the assets of the retirement system".

17. On page 49, strike beginning with "as" in line 25 through "Council" in line 26.

18. On page 53, strike beginning with "or" in line 15 through "qualified" in line 16 and insert "which will be extended until the date on which the successor's appointment is effective".

19. On page 54, strike beginning with "and" in line 2 through "81-2036", show as stricken, and insert "the Judges Retirement Act, and the Nebraska State Patrol Retirement Act. The agency for the administration of the retirement systems and under the direction of the board shall be known and may be cited as the Nebraska Public Employees Retirement Systems."; in line 13 strike "for cause"; in line 24 after "(a)" insert "Until January 1, 1997, and with"; and reinstate the stricken matter beginning with "respect" in line 24 through 27.

20. On page 55, reinstate the stricken matter beginning with line 1 through "(b)" in line 15 and insert "Until January 1, 1997, and with"; reinstate the stricken matter beginning with "respect" in line 15 through "(c)" in line 21; and in line 24 strike the new matter and reinstate the stricken matter.

21. On page 56, in lines 1, 3, 5, and 22, reinstate the stricken matter and strike the new matter.

22. On page 57, line 4, strike "(g)" and insert "(i)";

and in line 6 strike "(h)" and insert "(j)".
23. On page 58, line 25, strike "funds" and insert "systems".
24. On page 62, line 18, strike "27, 37" and insert "5, 27, 28, and 38"; in line 21 strike "section 84-1310.01" and insert "sections 84-1310.01 and 84-1311"; in line 22 strike "section 23-2309.01" and insert "sections 23-2309.01 and 23-2310"; in line 24 after "24-705" insert "24-710.03"; in line 26 strike "84-1311", strike "and", and after "84-1506," insert "84-1509"; and in line 27 strike "23-2310, 50-438,".
25. On page 63, line 2, strike "79-1503.01,".
26. Renumber the remaining sections and correct internal references accordingly.

SPEAKER WITHEM PRESIDING

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

The Wickersham amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM2869, printed separately and referred to on page 582.

The Wickersham 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.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 296, 298, 304, 305, and 306.

SELECT FILE

LEGISLATIVE BILL 890. E & R amendment, AM7174, found in the Journal on page 550, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 891. Advanced to E & R for engrossment.
LEGISLATIVE BILL 892. Advanced to E & R for engrossment.
LEGISLATIVE BILL 893. Advanced to E & R for engrossment.
LEGISLATIVE BILL 894. Advanced to E & R for engrossment.
LEGISLATIVE BILL 895. Advanced to E & R for engrossment.

LEGISLATIVE BILL 896. E & R amendment, AM7175, found in the Journal on page 551, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 897. Advanced to E & R for engrossment.

LEGISLATIVE BILL 898. E & R amendment, AM7176, found in the Journal on page 551, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 899. Advanced to E & R for engrossment.

LEGISLATIVE BILL 900. E & R amendment, AM7178, found in the Journal on page 586, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 948. Advanced to E & R for engrossment.
LEGISLATIVE BILL 949. Advanced to E & R for engrossment.

LEGISLATIVE BILL 642. The Avery pending amendment, AM2889, found in the Journal on page 577, was renewed.

Mr. Bernard-Stevens withdrew his amendment, AM2902, found in the Journal on page 595.

Mr. Avery offered the following amendment to his pending amendment:
AM2917

(Amendments to AM2889)

1. On page 3, after line 17, insert the following new subsections:

"(6) Between August 1, 1997, and January 1, 1998, a review of the state board's singular presence in the Omaha and North Platte areas shall be completed by the Executive Board of the Legislative Council or its designee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of their case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

(7) On or before January 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the areas noted in subsection (6) of this section."; in line 18 strike "(6)" and insert "(8)" and strike "January" and insert "July"; and in line 23 strike "(7)" and insert "(9)" and strike "January" and insert "July".

The Avery amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Avery amendment, AM2889, as amended, was adopted with 28 ayes, 2 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Warner withdrew the Warner et al. amendment, AM2599, found in the Journal on page 2732, First Session, 1995.

Mr. Bernard-Stevens withdrew his amendment, AM2682, found in the Journal on page 230.

Mr. Avery withdrew his amendment, AM2764, found in the Journal on page 410.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 642A. Mr. Avery withdrew his amendment, AM2895, found in the Journal on page 595.

Mr. Avery offered the following amendment:
FA405
1. Strike the original section and insert the following new section:
"Section 1. There is hereby appropriated (1) $93,849 from the General Fund and $106,501 from federal funds for FY1996-97 and (2) $111,135 from the General Fund and $136,001 from federal funds for FY1997-98 to the State Foster Care Review Board, for Program 116, to aid in carrying out the provisions of Legislative Bill 642, Ninety-fourth Legislature, Second Session, 1996.
Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $139,057 for FY1996-97 or $185,411 for FY1997-98.
The appropriation to the Department of Social Services for Program 341 shall be reduced by $63,242 General Funds and $46,988 federal funds for FY1996-97 and by $153,433 General Funds and $72,385 federal funds for FY1997-98.
The personal service limit shall be reduced by $119,942 for FY1996-97 and by $185,712 for FY197-98.".

The Avery amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 978	Monday, February 5, 1996	1:30 p.m.
LB 1088	Monday, February 5, 1996	1:30 p.m.
LB 1090	Monday, February 5, 1996	1:30 p.m.
LB 1181	Monday, February 5, 1996	1:30 p.m.
LB 1276	Monday, February 5, 1996	1:30 p.m.
LB 915	Monday, February 12, 1996	1:30 p.m.
LB 1069	Monday, February 12, 1996	1:30 p.m.
LB 1240	Monday, February 12, 1996	1:30 p.m.
LB 1314	Monday, February 12, 1996	1:30 p.m.
LB 1345	Monday, February 12, 1996	1:30 p.m.
LB 1367	Monday, February 12, 1996	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Judiciary

LB 943	Thursday, February 1, 1996	1:30 p.m.
LB 960	Thursday, February 1, 1996	1:30 p.m.
LB 1055	Thursday, February 1, 1996	1:30 p.m.
LB 1220	Thursday, February 1, 1996	1:30 p.m.
LB 1347	Thursday, February 1, 1996	1:30 p.m.
LB 952	Friday, February 2, 1996	1:30 p.m.
LB 1244	Friday, February 2, 1996	1:30 p.m.
LB 1249	Friday, February 2, 1996	1:30 p.m.
LB 1286	Friday, February 2, 1996	1:30 p.m.
LB 1296	Friday, February 2, 1996	1:30 p.m.
LB 1343	Friday, February 2, 1996	1:30 p.m.
LB 1349	Friday, February 2, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1390. Introduced by Warner, 25, at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 79-101.01, 79-451, and 79-3815, Reissue Revised Statutes of Nebraska, section 23-3616, Revised Statutes Supplement, 1994, and sections 13-508, 79-3803, 84-304, and 85-1517, Revised Statutes Supplement, 1995; to adopt the Local Control Taxpayer Relief Act; to eliminate spending and budget limitations; to harmonize provisions; to

provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 79-3817, 79-3818, 79-3820, and 79-3821, Reissue Revised Statutes of Nebraska, sections 77-3438.01 and 77-3440, Revised Statutes Supplement, 1994, and sections 77-3437, 77-3438, 77-3438.02, 77-3439, 79-3814, 79-3816, and 79-3819, Revised Statutes Supplement, 1995.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 923. Placed on General File as amended.
Standing Committee amendment to LB 923:
AM2886

1. Strike the original sections and insert the following new sections:

"Section 1. (1) To promote an interest in fishing and to create an awareness of Nebraska's lakes, rivers, streams, ponds, and parks, a day between March 15 and October 15, to be determined by the Game and Parks Commission, shall be recognized as free fishing day. On this day, Nebraska residents and nonresidents may enjoy the privilege of fishing without the purchase of a fishing permit, except that any fishing done under the authority of a special daily fishing permit under section 37-204.02 still requires the purchase of such permit.

(2) No motor vehicle entry permit or fee will be required for entry into a state park system permit area, as defined in section 37-1102, on free fishing day.

(3) Nothing in this section shall affect the applicability of statutes and regulations other than the permit requirements referred to in this section.

(4) The Game and Parks Commission may adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 2. Section 37-102, Revised Statutes Supplement, 1995, is amended to read:

37-102. Sections 37-101 to 37-726 and 37-1401 to 37-1408 and section 1 of this act shall be known and may be cited as the Game Law.

Sec. 3. Original section 37-102, Revised Statutes Supplement, 1995, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 673. Placed on General File as amended.

(Standing Committee amendment, AM2621, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 442. Placed on General File as amended.
Standing Committee amendment to LB 442:
AM2812

1. Strike original section 1 and insert the following new section:

"Section 1. A patient or former patient may request, or may authorize his or her attorney or another representative to request, a copy of the patient's medical record, except that mental health medical records shall not be released without the express consent of the mental health care provider or court order. Mental health records may be withheld only if release of the records would not be in the best interest of the patient or former patient. The request and the authorization, if any, shall be in writing. Upon receiving such written request, a health care provider shall furnish the person making the request a copy of the patient's medical record including, but not limited to, bills, X-rays, laboratory reports, prescriptions, and other technical information used in assessing the patient's health condition. No health care provider shall charge more than twenty-five dollars for the first ten pages and seventy-five cents for each additional page, which includes any research fees, handling fees, or related costs, plus the cost of first-class postage, if applicable, for furnishing a medical record pursuant to this section, except the health care provider may charge a patient the amount necessary to cover the cost of materials for furnishing a copy of an X-ray or similar special medical record. A health care provider shall furnish the medical record within thirty days after the written request is received. For purposes of this section, health care provider shall have the same meaning as in section 30-3402.

The fees described in this section shall be adjusted annually in accordance with changes in the Consumer Price Index for All Urban Consumers, published by the United States Department of Labor. The Department of Health shall obtain and make available the annual adjustment data and its effect on the fee schedule.".

LEGISLATIVE BILL 496. Placed on General File as amended.
Standing Committee amendment to LB 496:
AM2747

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 13 of this act shall be known

and may be cited as the Parkinson's Disease Registry Act.

Sec. 2. It is the intent of the Legislature to require the establishment and maintenance of a Parkinson's Disease Registry for the State of Nebraska. The purpose of the registry is to provide a central data bank of accurate, historical and current information for research purposes. The Parkinson's Disease Registry Act will provide for screening and collecting patient and family data that may be useful in detecting the incidence of and possible risk factors concerning Parkinson's disease and related movement disorders. The act will also aid in planning for health care requirements and education needs.

Sec. 3. For purposes of the Parkinson's Disease Registry Act:

(1) Aggregate data means data contained in the Parkinson's Disease Registry which is compiled in a statistical format and which does not include patient-identifying data;

(2) Approved researcher means an individual or entity who is approved by the department in accordance with section 81-666 to obtain access to data contained in the Parkinson's Disease Registry to assist in scientific or medical research for the prevention, cure, or control of Parkinson's Disease;

(3) Case-specific data means data contained in the Parkinson's Disease Registry concerning a specific individual other than patient-identifying data;

(4) Department means the Department of Health;

(5) Parkinson's disease means a chronic, progressive disorder in which there is a lack of the chemical dopamine in the brain as a direct result of the destruction of the dopamine-producing cells in the portion of the brain called the substantia nigra. Clinical features of the disease include tremor at rest, slow movements, rigidity, and unsteady or shuffling gait and may be indicated by improvement after using medications used for Parkinson's disease;

(6) Patient-identifying data means the patient's name, address, record number, symbol, or other identifying particular assigned to or related to an individual; and

(7) Related movement disorder means a disorder that resembles Parkinson's disease in some way, such as another kind of tremor.

Sec. 4. The department shall establish and maintain the Parkinson's Disease Registry. The registry shall consist of a compilation of cases of Parkinson's disease and related movement disorders occurring among residents of this state reported and recorded to achieve the goals of statistical identification for research, planning for health care requirements, and education of health care providers and persons with Parkinson's disease and related movement disorders and shall include information the department deems necessary and appropriate for the statistical identification and planning for treatment and education of health

care providers and persons diagnosed with Parkinson's disease and related movement disorders.

Sec. 5. The department shall:

(1) Adopt and promulgate rules and regulations, including a uniform system of classification of Parkinson's disease which is consistent with medically and clinically accepted standards and definitions for use in reporting by medical personnel treating the disease;

(2) Execute any contracts that the department deems necessary to carry out the Parkinson's Disease Registry Act;

(3) Receive and record the data obtained from an individual reporting under subsection (2) of section 6 of this act and medical records reported under sections 6 and 7 of this act;

(4) Compile and publish a statistical report annually or at reasonable intervals containing information obtained from patient data to provide accessible information useful to medical personnel, researchers, and the public; and

(5) Comply with all necessary requirements to obtain funds or grants.

Sec. 6. (1) If a resident of this state is diagnosed with Parkinson's disease or a related movement disorder within this state in the office of a physician licensed under the Uniform Licensing Law, the physician shall report the diagnosis and pertinent information to the department within sixty days after the diagnosis.

(2) An individual resident of this state who has been diagnosed with Parkinson's disease or a related movement disorder by a licensed physician may file a report with the department providing relevant information. The department shall provide for validation of individual reports.

(3) A report under this section shall contain the following information about the person diagnosed with Parkinson's disease or a related movement disorder:

(a) Name;

(b) Social Security number;

(c) Date of birth;

(d) Gender;

(e) Address at time of diagnosis;

(f) Current address;

(g) Date of diagnosis;

(h) Physician;

(i) Identification of reporting source; and

(j) Any additional information the department demonstrates is reasonable to implement the Parkinson's Disease Registry Act.

Sec. 7. The pharmacist in charge of each pharmacy located within the state or doing business in the state shall file a semiannual report with the department listing persons who are prescribed drugs for Parkinson's disease. The report shall include

the name, address, and social security number of the person for whom the drugs were prescribed and the name and address of the prescribing physician. The department shall issue a list of drugs to be reported under this section and shall review and revise the list annually.

Sec. 8. All data and information developed or collected pursuant to the Parkinson's Disease Registry Act and the release of data from the Parkinson's Disease Registry shall be subject to and comply with sections 81-663 to 81-675. For purposes of the Parkinson's Disease Registry, data may be released either as Class I data or Class II data or as Class III data or Class IV data as classified in section 81-667.

Sec. 9. No physician, psychologist, pharmacist, or medical professional who is in compliance with the Parkinson's Disease Registry Act shall be civilly or criminally liable for divulging the information required pursuant to the act. Neither the department nor any of its officials or employees shall be liable civilly or criminally for the release of information contained in the Parkinson's Disease Registry or for the conduct or activities of any individual or entity permitted access to data of the Parkinson's Disease Registry.

Sec. 10. Nothing in sections 81-663 to 81-675 shall be deemed to compel any individual to submit to any medical examination or supervision by the department, any of its authorized representatives, or an approved researcher. No person who seeks information or obtains data pursuant to such sections shall contact a patient or such patient's family without first obtaining the permission of a physician actively involved in the care of such patient.

Sec. 11. Any private or public entity, individual, or approved researcher who wrongfully discloses confidential data obtained from the medical record and health information registries or uses such information with the intent to deceive shall be guilty of a Class IV misdemeanor for each offense.

Sec. 12. Any person or entity which fails to make reports as provided by the Parkinson's Disease Registry Act shall be guilty of a Class V misdemeanor for each offense.

Sec. 13. The Parkinson's Disease Registry Act terminates on June 30, 2015, unless reenacted or reestablished by the Legislature.

Sec. 14. Section 81-664, Reissue Revised Statutes of Nebraska, is amended to read:

81-664. For purposes of sections 81-663 to 81-675:

(1) Aggregate data ~~shall mean~~ means data contained in the medical record and health information registries maintained by the department which is compiled in a statistical format and which does not include patient-identifying data;

(2) Approved researcher ~~shall mean~~ means an individual or entity which is approved by the department pursuant to section

81-666 to obtain access to data contained in the medical record and health information registries maintained by the department to assist in the scientific or medical research for the prevention, cure, or control of a disease or injury process;

(3) Case-specific data ~~shall mean~~ means data contained in the medical record and health information registries concerning a specific individual other than patient-identifying data;

(4) Department ~~shall mean~~ means the Department of Health;

(5) Medical record and health information registry ~~shall mean~~ means the system of reporting certain medical conditions occurring in this state, as prescribed by law, which are reported and recorded in order to achieve the goals of prevention, cure, and control through research and education, and ~~shall include~~ includes the birth defects registry established in section 71-646, the cancer registry established in sections 81-642 to 81-650, ~~and~~ the brain injury registry established in sections 81-653 to 81-661, and the Parkinson's Disease Registry established in section 4 of this act;

(6) Patient-identifying data ~~shall mean~~ means the patient's name, address, record number, symbol, or other identifying particular assigned to or related to an individual patient; and

(7) Research ~~shall mean~~ means study specific to the diseases or injuries for which access to data is requested and which is dedicated to the prevention, cure, or control of the diseases or injuries.

Sec. 15. Original section 81-664, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

The Health and Human Services Committee designates LB 1155 as its priority bill.

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 1322	Friday, February 2, 1996	1:30 p.m.
LB 1310	Friday, February 2, 1996	1:30 p.m.
LB 1210	Wednesday, February 7, 1996	1:30 p.m.
LB 981	Wednesday, February 7, 1996	1:30 p.m.
LB 1366	Wednesday, February 7, 1996	1:30 p.m.
LB 917	Thursday, February 8, 1996	1:30 p.m.
LB 918	Thursday, February 8, 1996	1:30 p.m.

LB 1187	Thursday, February 8, 1996	1:30 p.m.
LB 1257	Thursday, February 8, 1996	1:30 p.m.
LB 1105	Wednesday, February 14, 1996	1:30 p.m.
LB 1278	Wednesday, February 14, 1996	1:30 p.m.
LB 1326	Wednesday, February 14, 1996	1:30 p.m.
LB 1101	Thursday, February 15, 1996	1:30 p.m.
LB 1157	Thursday, February 15, 1996	1:30 p.m.
LB 1183	Thursday, February 15, 1996	1:30 p.m.
LB 1235	Wednesday, February 21, 1996	1:30 p.m.
LB 1236	Wednesday, February 21, 1996	1:30 p.m.
LB 970	Thursday, February 22, 1996	1:30 p.m.
LB 1022	Thursday, February 22, 1996	1:30 p.m.

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 1318. No objections. So ordered.

VISITORS

Visitors to the Chamber were Steve Mattoon from Sidney; Senator Stuhr's daughter, Teresa Robbins, and grandchildren, Chaz and Christian, from St. Joseph, Missouri; Angela Wood from Kearney and Andy Hibdon from Cairo; 20 fourth grade students and sponsor from St. John Lutheran School, Seward; and Dr. Roger McCartney from Ord.

The Doctor of the Day was Darroll J. Loschen from York.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Friday, January 26, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTEENTH DAY - JANUARY 26, 1996

LEGISLATIVE JOURNAL

SIXTEENTH DAY - JANUARY 26, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 26, 1996

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Beutler presiding.

PRAYER

The prayer was offered by Pastor Paul Weckle, Sprague Community Church, Sprague, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Hartnett, Janssen, Robinson, Wesely, Mmes. Pirsch, and Witek who were excused; and Messrs. Avery, Bernard-Stevens, Brashear, Cudaback, Hilgert, Jensen, Lindsay, Schrock, Warner, Wickersham, Withem, Mmes. Bohlke, McKenzie, and Robak who were excused until they arrive.

MRS. CROSBY PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Schellpeper's birthday.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 842. Placed on General File.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Mrs. Hillman designates LR 46CA as her priority resolution.

GENERAL FILE

LEGISLATIVE BILL 256. Title read. Considered.

Standing Committee amendment, AM1990, found in the Journal on page 1995, First Session, 1995, was considered.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 1 present and not voting, and 23 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.

Mr. Beutler offered the following amendment:
AM2932
1. On page 2, lines 23 and 24, strike "by the state" and insert "as provided in section 83-376".

Mr. Beutler withdrew his amendment.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 256A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bill 1390 and Governor appointments.

LB	Committee
1390	Revenue

Corner, Robert J. - Public Employees Retirement Board -- Nebraska Retirement Systems

Emery, John - Coordinating Comm. for Postsecondary Education -- Education

Ferlic, Randolph - Coordinating Comm. for Postsecondary Education -- Education

Moeller, Julia M. - Public Employees Retirement Board -- Nebraska Retirement Systems

Moran, Robert R. - Public Employees Retirement Board -- Nebraska Retirement Systems

Morten, Dr. Helen E. - Coordinating Comm. for Postsecondary Education -- Education

White, Frances C. - Coordinating Comm. for Postsecondary Education -- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mr. Preister designates LB 1150 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 975	Monday, February 5, 1996	1:30 p.m.
LB 1064	Monday, February 5, 1996	1:30 p.m.
LB 1158	Monday, February 5, 1996	1:30 p.m.
LB 1264	Monday, February 5, 1996	1:30 p.m.
LB 1291	Monday, February 5, 1996	1:30 p.m.
LB 1341	Monday, February 5, 1996	1:30 p.m.
LB 1006	Tuesday, February 6, 1996	1:30 p.m.
LB 1019	Tuesday, February 6, 1996	1:30 p.m.
LB 1020	Tuesday, February 6, 1996	1:30 p.m.
LB 1118	Tuesday, February 6, 1996	1:30 p.m.
LB 1179	Tuesday, February 6, 1996	1:30 p.m.
LB 1308	Tuesday, February 6, 1996	1:30 p.m.
LB 1309	Tuesday, February 6, 1996	1:30 p.m.
LB 1191	Monday, February 12, 1996	1:30 p.m.
LB 1229	Monday, February 12, 1996	1:30 p.m.
LB 1288	Monday, February 12, 1996	1:30 p.m.

LB 1357	Monday, February 12, 1996	1:30 p.m.
LB 1358	Monday, February 12, 1996	1:30 p.m.

Governor Appointment Monday, February 12, 1996 1:30 p.m.
Judith A. Schweikart - State Highway Commission

LB 1134	Tuesday, February 13, 1996	1:30 p.m.
LB 1148	Tuesday, February 13, 1996	1:30 p.m.
LB 1175	Tuesday, February 13, 1996	1:30 p.m.
LB 1305	Tuesday, February 13, 1996	1:30 p.m.
LB 1306	Tuesday, February 13, 1996	1:30 p.m.

(Signed) Doug Kristensen, Chairperson

Banking, Commerce and Insurance

LB 1233	Monday, February 5, 1996	1:30 p.m.
LB 1258	Monday, February 5, 1996	1:30 p.m.
LB 1274	Monday, February 5, 1996	1:30 p.m.
LB 1080	Tuesday, February 6, 1996	1:30 p.m.
LB 1185	Tuesday, February 6, 1996	1:30 p.m.
LB 1216	Tuesday, February 6, 1996	1:30 p.m.
LB 1268	Tuesday, February 6, 1996	1:30 p.m.
LB 1071	Monday, February 12, 1996	1:30 p.m.
LB 1180	Monday, February 12, 1996	1:30 p.m.
LB 1203	Monday, February 12, 1996	1:30 p.m.
LB 1267	Monday, February 12, 1996	1:30 p.m.
LB 1086	Tuesday, February 13, 1996	1:30 p.m.
LB 1150	Tuesday, February 13, 1996	1:30 p.m.
LB 1339	Tuesday, February 13, 1996	1:30 p.m.
LB 1376	Tuesday, February 13, 1996	1:30 p.m.

(Signed) David Landis, Chairperson

Revenue

Governor Appointments Friday, February 2, 1996 1:30 p.m.
Tax Equalization and Review Commission
Janet L. Edwards
Robert L. Hans
Mark P. Reynolds

LB 971	Friday, February 2, 1996	1:30 p.m.
LB 1196	Friday, February 2, 1996	1:30 p.m.
LB 1217	Friday, February 2, 1996	1:30 p.m.
LB 1373	Friday, February 2, 1996	1:30 p.m.

LB 1368	Wednesday, February 7, 1996	1:30 p.m.
LB 1325	Wednesday, February 7, 1996	1:30 p.m.
LB 1361	Wednesday, February 7, 1996	1:30 p.m.
LB 1364	Wednesday, February 7, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Agriculture

LB 1174	Tuesday, February 6, 1996	1:30 p.m.
LB 1389	Tuesday, February 6, 1996	1:30 p.m.
LB 1066	Tuesday, February 20, 1996	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 106.

Enrollment and Review Change to LB 106

The following changes, required to be reported for publication in the Journal, have been made:
ER9108

1. Because of the amendment of sections 77-2701 and 77-2702.13 by Laws 1995, LB 430, original sections 2 and 4 to 6 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 2. Section 77-2701, Revised Statutes Supplement, 1995, is amended to read:

77-2701. Sections 77-2701 to 77-27,135.01 and section 1 of this act shall be known and may be cited as the Nebraska Revenue Act of 1967.

Sec. 4. Section 77-2702.13, Revised Statutes Supplement, 1995, is amended to read:

77-2702.13. (1) Retail sale or sale at retail shall mean:

(a) A sale of property for any purpose other than for resale in the regular course of business;

(b) A sale of property to an advertising agency which purchases the property as an agent for a disclosed or undisclosed principal. The advertising agency is and remains liable for the sales and use tax on

the purchase the same as if the principal had made the purchase directly;

(c) The delivery in this state of property by an owner or former owner thereof or by a factor or agent of such owner, former owner, or factor, if the delivery is to a customer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery in such cases shall include the delivery person's selling price of the property in his or her gross receipts;

(d) The sale of admissions which shall mean the right or privilege to have access to or to use a place or location. When an admission to an activity is combined with the solicitation of a contribution, the portion or the amount charged representing the fair market price of the admission shall be considered a retail sale subject to the tax imposed by section 77-2703. The organization conducting the activity shall determine the amount properly attributable to the purchase of the privilege, benefit, or other consideration in advance, and such amount shall be clearly indicated on any ticket, receipt, or other evidence issued in connection with the payment. Admissions shall not include (i) fees charged by elementary or secondary schools, public or private, (ii) fees charged by school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities in an elementary or secondary school, public or private, during the regular school day or at an approved function of any such school, or (iii) fees charged by ballot question committees, candidate committees, independent committees, and political party committees as defined in the Nebraska Political Accountability and Disclosure Act;

(e) A sale of live plants incorporated into real estate except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate; and

(f) A sale of any property annexed to real estate by a person electing to be taxed as a retailer pursuant to subdivision (1) of section 77-2702.05 except when such annexation is incidental to the transfer of an improvement upon real estate or the real estate. ~~; and~~

~~(g) A sale of veterinary medicines and chemicals to a veterinarian, which purchases are for the treatment of animals either directly by the veterinarian or by another person. The veterinarian is and shall remain liable for the sales and use tax on the purchase even if ownership of the veterinary medicines and chemicals is transferred to another person before use.~~

(2) Retail sale or sale at retail shall not mean:

(a) The sale of:

(i) Property which will enter into and become an ingredient or component part of property manufactured, processed, or fabricated for ultimate sale at retail; or

(ii) Refractory materials, lime, synthetic slag, mill rolls, and guides for use in manufacturing of steel or cement;

(b) The sale of:

(i) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Animal life shall include live poultry or livestock on the hoof when sales are made by the grower, producer, feeder, or any person engaged in the business of bartering, buying, or selling live poultry or livestock on the hoof;

(ii) ~~Feed for any form of animal life or water which is supplied for consumption by animal life or which is otherwise used in caring for animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily are used for human apparel. Feed shall include all grains, minerals, salts, proteins, fats, fibers, vitamins, grit, and antibiotics commonly used as feed or feed supplements;~~

~~(iii)~~ Seeds and annual plants, the products of which ordinarily constitute food for human consumption and which seeds and annual plants are sold to commercial producers of such products, and seed legumes, seed grasses, and seed grains when sold to be used exclusively for agricultural purposes;

~~(iv)~~ (iii) Agricultural chemicals for use in agriculture and applied to land or crops. Agricultural chemicals shall not mean chemicals applied to harvested grains stored in commercial elevators; or

~~(v)~~ (iv) Oxygen for use in aquaculture as defined in section 2-3804.01; ~~or~~

~~(vi) Veterinary medicines and chemicals when sold by a licensed veterinarian who has paid the sales or use tax on such veterinary medicines and chemicals;~~

(c) The sale of:

(i) Nonreturnable containers when sold without contents to persons who place contents in the container and sell the contents together with the container;

(ii) Containers when sold with contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by the Nebraska Revenue Act of 1967; and

(iii) Returnable containers when sold with contents in connection with a retail sale of the contents or when resold for refilling.

The term returnable containers shall mean containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are nonreturnable containers;

(d) The sale of property the transfer of which to the consumer constitutes an occasional sale or the transfer of which to the consumer is made by way of an occasional sale;

(e) The sale of property the sale, purchase, or use of which has been taxed to that taxpayer in another state, territory, or possession of the United States of America when such other state, territory, or possession grants a reciprocal exclusion or an exemption to similar transactions in this state;

(f) The purchase in this state or the purchase outside this state, with title passing in this state, of materials and replacement parts used as or used directly in the repair and maintenance or manufacture of railroad rolling stock, whether owned by a railroad or by any person, whether a

common or contract carrier or otherwise, motor vehicles, watercraft, or aircraft engaged as common or contract carriers or the purchase in such manner of motor vehicles, watercraft, or aircraft to be used as common or contract carriers. All purchasers seeking to take advantage of the exemption shall apply to the Tax Commissioner for a common or contract carrier exemption. All common or contract carrier exemption certificates shall expire on October 31, 1986, and on October 31 every three years thereafter. All persons seeking to continue to take advantage of the common or contract carrier exemption shall apply for a new certificate at the expiration of the prior certificate. The Tax Commissioner shall notify such exemption certificate holders at least sixty days prior to the expiration date of such certificate that their certificate will expire and be null and void as of such date;

(g) The sale of railroad rolling stock whether purchased by a railroad or by any other person; or

(h) The sale of property annexed to real estate.

Sec. 5. This act becomes operative on October 1, 1996.

Sec. 6. Original section 77-2702.07, Revised Statutes Supplement, 1994, and sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 1995, are repealed.".

2. On page 1, line 1, "sections" has been struck and "section" inserted; in line 2 "77-2701," and "and 77-2702.13," have been struck; and in line 3 ", and sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 1995" has been inserted after "1994".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Read. Considered.

Messrs. Coordsen and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis offered the following amendment:
FA406
in section 1, line three to strike "1996" and insert 1998

PRESIDENT ROBAK PRESIDING

Mr. Landis withdrew his amendment.

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

Mr. Beutler offered the following amendment:
AM2934

1. On page 1, line 7, strike "sections 1 and" and insert "section".

2. On page 2, strike lines 2 through 6.

Mr. Beutler withdrew his amendment.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?"

Mrs. Bohlke moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate lost with 12 ayes, 17 nays, and 20 not voting.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens moved to indefinitely postpone LR 41CA.

Laid over.

LEGISLATIVE BILL 939. Title read. Considered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1141. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 700A. Placed on Select File as amended.
E & R amendment to LB 700A:
AM7179

1. On page 1, strike beginning with "30" in line 1 through line 6 and insert "90-511, Revised Statutes Supplement, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996; to change appropriations; to repeal the original section; and

to declare an emergency.".

LEGISLATIVE BILL 847A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 748:
AM2645

1. Strike original section 23 and insert the following new section:

"Sec. 21. Transfers or declarations of property to a custodial trust under the Nebraska Uniform Custodial Trust Act shall not exceed, in the aggregate, one hundred thousand dollars in net value, exclusive of the value of the transferor's or declarant's personal residence. This limitation does not apply to any income received by the custodial trust and any appreciation in the value of the property held in the custodial trust. A good faith violation of this section does not invalidate the custodial trust.".

2. On page 2, line 1, strike "21" and insert "22".

3. On page 2, lines 2 and 3; page 3, line 27; page 5, lines 3, 17, 26, and 28; page 7, line 5; page 8, line 14; page 10, line 22; page 11, line 9; page 15, line 20; page 18, line 22; page 19, lines 10 and 24; page 20, lines 9, 15, 19, and 26; page 21, lines 6, 13, 20, and 25; and page 22, lines 1, 2, and 15, before "Uniform" insert "Nebraska".

4. On page 3, strike beginning with "business" in line 7 through "commercial" in line 9 and insert "limited liability company, or other legal"; in lines 20 and 21 strike "exercise general trust powers" and insert "act as a corporate trustee in the State of Nebraska"; in line 24 after "registration" insert "under sections 30-2801 to 30-2805" and strike "lawfully executed"; and in line 25 after "transfer" insert ", executed in any lawful manner,".

5. On page 4, line 2, strike "lawfully executed" and after "declaration" insert ", executed in any lawful manner,"; and in line 6 after "trust" insert "in which the declarant is designated as custodial trustee".

6. On page 5, line 18, after "trustee's" insert "written" and strike ", express or implied,".

7. On page 6, line 19, strike "twenty" and insert "ten".

8. On page 7, lines 3 and 4, strike "(or survivorship is required as to community or marital property)".

9. On page 8, strike lines 21 through 23.

10. On page 9, line 6, after "direct" insert "in writing".

11. On page 10, line 17, after the period insert "A determination of incapacity does not require appointment of a

guardian or conservator of the estate unless, in the discretion of the court, such appointment is otherwise warranted."; and after line 28 insert the following new subsection:

"(g) A custodial trustee shall not be liable for any determinations authorized by this section regarding the capacity or incapacity of the beneficiary made in good faith.".

12. On page 12, line 15, after "beneficiary" insert "as owner or possessor of the custodial trust property" and strike "sued".

13. On page 14, line 3, strike "may" and insert "shall"; in line 22 strike "six months after"; and in line 28 after "statement" insert "that the custodial trust property is held pursuant to the Nebraska Uniform Custodial Trust Act and".

14. On page 15, line 1, after "property" insert ". The custodial trustee" and strike "and"; and in line 19 after "trustee" insert "or the personal representative of a predecessor custodial trustee".

15. On page 16, line 9, strike "subsection" and insert "subsections (b) and"; in line 18 strike "two years" and insert "six months"; and in line 22 strike "three" and insert "four".

16. On page 17, line 11, after "incapacitated" insert "at the time of his or her death"; after line 11 insert the following new subsection:

"(d) For purposes of this section, a beneficiary or other person is deemed to have received an account or statement if, being an adult, it is received by him or her personally or if, being a minor or incapacitated person, it is received by his or her representative as described in subdivision (3) of section 30-2222."; in line 16 after "(2)" insert "To the holder of the beneficiary's power of attorney;

(3)"; and in line 18 strike "(3)" and insert "(4)".

17. On page 18, after line 7, insert the following new subsection:

"(d) The writing described in subdivision (a)(4)(i) of this section or the instrument described in subdivision (a)(4)(iii) of this section must also be signed by at least two witnesses, neither of whom is the custodial trustee or a beneficiary of the custodial trust property, and be acknowledged by the beneficiary or transferor before a notary public. Failure to comply with the witness or acknowledgment requirement shall not affect the validity of the custodial trust during the life of the beneficiary, but shall invalidate only the direction or designation of the beneficiary on termination of the custodial trust under subdivision (a)(4)(i) of this section or subdivision (a)(4)(iii) of this section, and upon termination of the custodial trust the custodial trustee shall transfer the unexpended custodial trust property according to the remaining provisions of this section."; and in line 16 before "UNIFORM" insert "NEBRASKA".

18. On page 18, line 28, after "(Signature)" insert:

"..... .....
Witness Witness

ACKNOWLEDGMENT

STATE OF .....)
) ss.
COUNTY OF .....)

On this ..... day of ..... 199.., before me, a duly authorized notary public in and for the State of ....., County of ....., personally appeared ..... (name of transferor or name and representative capacity if a fiduciary), known to me to be the identical person described in and who executed the above and foregoing transfer of specific property in the presence of two witnesses, and he or she acknowledged same to be his or her voluntary act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal the day and year last above written.

..... .
Notary Public".

19. On page 19, line 5, before "UNIFORM" insert "NEBRASKA"; and in line 16 after "(Signature)" insert:

"..... .....
Witness Witness

ACKNOWLEDGMENT

STATE OF .....)
) ss.
COUNTY OF .....)

On this ..... day of ..... 199.., before me, a duly authorized notary public in and for the State of ....., County of ....., personally appeared ..... (name of owner of property), known to me to be the identical person described in and who executed the above and foregoing transfer of specific property in the presence of two witnesses, and he or she acknowledged same to be his or her voluntary act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunder set my hand and official seal the day and year last above written.

..... .
Notary Public".

20. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 349:
FA407
Amend committee amendment to Repeal section 79-3804.

ANNOUNCEMENT

Mr. Schrock designates LB 604 as his priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. 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
Bredthauer, Trudy - Omaha	Nebraska Association of Hospitals & Health Systems
Hill, Anthony K. - Omaha	UNO Student Government
Lutz, Mark - Lincoln	Employers Unemployment Insurance Company
	Nebraska Restaurant Association
Lutz, Richard - Lincoln	Employers Unemployment Insurance Company
	Nebraska Restaurant Association
Milbourn, Steven J. - Grand Island	National Recovery
Morrissey, Kristin J. - Omaha	Voices for Children in Nebraska
Weaver, James T. - Omaha	Bishop Clarkson Memorial Hospital
Young, Loyd L. - Seward	Nebraska Association of County Extension Boards

VISITORS

Visitors to the Chamber were Faye and Michael Weckle from Sprague.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, January 30, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTEENTH DAY - JANUARY 30, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 30, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Bud Christenson, Sheridan Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Brashear, Bromm, Engel, Kristensen, Lindsay, Pedersen, Schrock, Will, Mmes. Hudkins, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1000. Placed on General File.
LEGISLATIVE BILL 1037. Placed on General File.

LEGISLATIVE BILL 958. Indefinitely postponed.
LEGISLATIVE BILL 1010. Indefinitely postponed.
LEGISLATIVE BILL 1089. Indefinitely postponed.

LEGISLATIVE RESOLUTION 288CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Thursday, February 8, 1996 1:30 p.m.
Agency 22 - Department of Insurance
Agency 19 - Department of Banking and Finance

(Signed) Roger R. Wehrbein, Chairperson

Education

Governor Appointments Tuesday, February 20, 1996 1:30 p.m.
Coordination Commission for Postsecondary Education
John Emery
Randolph Ferlic
Dr. Helen E. Morten
Frances C. White

(Signed) Ardyce Bohlke, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 96008

DATE: January 25, 1996

SUBJECT: Application of the County Levy Limits and Requirements for a Vote of the People Contained in **Neb. Rev. Stat. §** 23-120 (Supp. 1995) to Certain Proposed County Renovation Projects and Resultant Proposed Legislation

REQUESTED BY: Senator Mike Avery
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

In your opinion request letter, you indicate that there is some concern in your district about a proposed four million dollar addition/renovation to a courthouse, evidently for Sarpy County. You state that county officials do not believe that this renovation project need be presented to the voters of the county for approval, so long as the bond levy for the project is spread out over several years so that no more than one million dollars is levied by the county for the project in any one year. This position is apparently based upon certain language in **Neb. Rev. Stat. §** 23-120 (Supp. 1995). Since you have now prepared legislation directly related to this matter, you have posed several questions to us concerning the situation and your proposed bill.

You first ask whether the course of action contemplated by the county where the four million dollar levy for the renovation project is spread over four years without a vote of the people is "appropriate under Neb. Rev. Stat. 23-120 or any other relevant statutes."

Section 23-120 is the only statute which we have found which pertains specifically to requirements for a vote of the people in connection with the issuance of bonds for the construction/renovation of a courthouse by a county. That statute provides, in pertinent part:

> (1) The county board shall acquire, purchase, construct, renovate, remodel, furnish, equip, add to, improve, or provide a suitable courthouse, jail, and other county buildings and a site or sites therefor and for such purposes borrow money and issue the bonds of the county to pay for the same. * * *
>
> (2) No levy exceeding . . . (b) one million dollars in counties having in excess of one hundred thousand inhabitants and not in excess of two hundred fifty thousand inhabitants, . . . **shall be made within a one-year period for any of the purposes specified in subsection (1) of this section without first submitting the proposition to a vote of the people of the county** at a general election or a special election ordered by the board for that purpose and obtaining the approval of a majority of the legal voters thereon.

(Emphasis added).

Statutes are not open to construction as a matter of course, and in the absence of any contrary indication, statutory language is generally to be given its plain and ordinary meaning. **Weiner v. State ex rel. State Real Estate Commission,** 214 Neb. 404, 333 N.W.2d 915 (1983). In keeping with that premise, when the words of a statute are plain, direct, and unambiguous, no interpretation is necessary or will be indulged to ascertain their meaning. **Rosse v. Rosse,** 244 Neb. 967, 510 N.W.2d 73 (1994). It seems to us that the language in § 23-120 highlighted above is plain, direct and unambiguous. It allows counties of the size at issue in this instance to levy up to one million dollars in any one year for the payment of bonds issued in connection with the construction/renovation of a courthouse without a vote of the people. Consequently, we believe that, under § 23-120(2), the county referenced in your opinion request letter could construct a renovation project costing four million dollars without a vote of the people, so long as the county's tax levy for payment of costs connected with that project did not exceed one million dollars in any one year period.

Subsequent to your initial opinion request, you sent us a second letter in which you posed additional questions concerning the project and tax levy at issue. You enclosed a copy of LB 1377 with that correspondence, and informed us that you have submitted that bill for debate this legislative session. LB 1377 would add the following language at the end of Subsection (1) of § 23-120:

> Any project which has an estimated cost that exceeds the levy limit prescribed in subsection (2) of this section shall first be approved by a majority of the registered voters of the county at a general

election or at a special election called by the county board for such purpose.

You ask, "{d}oes this new wording force the counties to bring such projects {with a total cost above the levy limits in § 23-120} to a vote of the people?"

We believe that the language which you have proposed for § 23-120 in LB 1377 is generally consistent with your apparent intent to require a vote of the people in instances where the total cost of a construction/renovation project for a county courthouse exceeds the appropriate levy limits set out in § 23-120(2). In that regard, we suggest that you take steps, both in the committee process and in the floor debate on LB 1377, to clearly state your intent in introducing the bill and your intent as to how its provisions should be applied. Those steps with respect to the creation of legislative history will further strengthen your purpose to "force the counties" to submit certain construction/renovation projects to "a vote of the people."

Finally, you ask, "how does the fact that a county has any general fund bond indebtedness (in any amount) impact the situation?"

There are several provisions of Nebraska constitutional and statutory law which limit the amount of the tax levy which may be imposed by a county. For example, Art. VIII, § 5 of the Nebraska Constitution generally provides that counties may not assess taxes which exceed, in the aggregate, fifty cents per one hundred dollars of taxable value as determined by the county assessment roles, without a vote of the people of the county. **Neb. Rev. Stat. §** 23-119 (Cum. Supp. 1994) also generally tracks that constitutional prohibition. In addition, Subsection (3)(c) of § 23-120, the statutory provision which is the focus of your opinion request, provides that:

> In no case shall the levy of taxes made by the county board for all purposes, including the taxes levied pursuant to this section, exceed in any one year the sum of fifty cents on every one hundred dollars of the taxable value of all the taxable property of the county.

It seems to us that if a particular county has a general fund bond indebtedness that requires a certain county tax levy each year for debt service, that tax levy would have to be considered along with any new levy under § 23-120 in determining whether the particular county had reached its constitutional and statutory levy limit. If, in fact, the new levy under § 23-120 resulted in a total aggregate county levy in excess of the statutory and constitutional levy limits, a vote of the people for permission to exceed those limits might well be separately required even if a vote of the people was not necessary under the applicable portion § 23-120.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-44-14.op

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

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. Mr. Bernard-Stevens withdrew his motion to indefinitely postpone, found in the Journal on page 634.

Mr. Dierks 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?"

Mr. Beutler moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Beutler requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 12:

Bernard-Stevens	Bohlke	Landis	Preister	Wickersham
Beutler	Crosby	Lindsay	Warner	Withem
	Hudkins	Lynch		

Voting in the negative, 16:

Avery	Cudaback	Janssen	Kristensen	Schellpeper
Brashear	Dierks	Jensen	Matzke	Schrock
Bromm	Fisher	Jones	Robinson	Witek
Brown				

Present and not voting, 16:

Chambers	Hilgert	Maurstad	Schimek	Vrtiska
Coordsen	Hillman	McKenzie	Schmitt	Wehrbein
Elmer	Klein	Robak	Stuhr	Wesely
Hartnett				

Excused and not voting, 5:

Abboud	Engel	Pedersen	Pirsch	Will

The motion to cease debate lost with 12 ayes, 16 nays, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2957.)

Messrs. Bernard-Stevens and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1141A. 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 1141, Ninety-fourth Legislature, Second Session, 1996.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 997. Placed on General File.

LEGISLATIVE BILL 927. Placed on General File as amended.
Standing Committee amendment to LB 927:
AM2915

1. On page 2, line 10, after "athlete" insert ", except that an athlete who has agreed to a professional contract in one or more sports but has retained amateur standing in one or more other sports shall be considered an athlete for purposes of the act with respect to those sports in which he or she retains amateur standing".
2. On page 4, line 23, strike "(2)(b)" and insert "(2)(d)".
3. On page 12, line 22, after "notice" insert "as an athlete agent".

LEGISLATIVE BILL 993. Indefinitely postponed.
LEGISLATIVE BILL 994. Indefinitely postponed.
LEGISLATIVE BILL 1056. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1076. Placed on General File as amended.

Standing Committee amendment to LB 1076:
AM2924

1. Insert the following new sections:

"Sec. 3. Section 23-2315, Revised Statutes Supplement, 1994, is amended to read:

23-2315. (1) An employee may elect to retire at any time after attaining the age of fifty-five. An employee may retire as a result of disability at any age. The date specified in the retirement application or the first day of the month immediately following the ~~last day of work~~ date the retirement application is received, whichever is later, shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board.

(2) Payment of any benefit provided under the retirement system may not be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least age seventy and one-half years and terminated his or her employment with the county.

Sec. 26. Section 79-1533, Reissue Revised Statutes of Nebraska, is amended to read:

79-1533. Every employer shall deduct and withhold an amount pursuant to section 79-1531 from the compensation as a school employee of each member on each and every payroll period after such school employee becomes a member of the retirement system. The employer, through its proper agents, the city or county superintendent, or the secretary of the school board or board of education, shall transmit monthly, quarterly, or semiannually if the retirement board so directs a copy of such payroll, in such form as is approved by the retirement board, and a remittance payable to the order of the State Treasurer for all deductions from the compensation of members on such payroll. The remittances may be by draft, money order, check, or otherwise according to rules and regulations adopted and promulgated by the retirement board. The board may charge the employer a late fee, not to exceed fifty dollars, if the ~~quarterly~~ deduction report, the ~~summary of~~ monthly remittance report, or the monthly money due is not received and properly completed by the date due as prescribed by the board. The board shall charge the employer an amount equal to the interest which would have accrued if the delinquent report causes the employee to lose interest on his or her account. The proceeds of the interest charge shall be used to reimburse the account of each school employee deprived of interest by the delay.

Sec. 36. Section 84-1317, Reissue Revised Statutes of Nebraska, is amended to read:

84-1317. An employee may elect to retire on the attainment of age sixty-five or after the attainment of age fifty-five with five years of service. An employee may retire as a result of disability at any age.

The date specified in the retirement application or the

first of the month immediately following the ~~last day of work~~ date the retirement application is received, whichever is later, shall be the retirement date, except that disability retirement benefits shall be paid from the date of disability as determined by the board. First payments pertaining to retirements under prior service provisions of the State Employees Retirement Act shall be made at such time as the retirement board may determine.

Payment of any benefit provided under the retirement system may not be deferred later than the sixtieth day after the end of the year in which the employee has both attained at least age seventy and one-half years and terminated his or her employment with the state.".

2. On page 5, line 23, strike "and"; and in line 26 after "period" insert "; and

(21) Plan year means the twelve-month period beginning on January 1 and ending on December 31".

3. On page 6, strike beginning with "(i)" in line 24 through "deferred" in line 25, show as stricken, and insert "payable in a lump sum or an annuity with the lump sum or first annuity payment made at any time after termination but".

4. On page 7, strike lines 2 through 24, show the old matter as stricken, and insert "or an annuity with the lump sum or first annuity payment made at any time after termination but no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years plus (ii) the amount of his or her employer account payable in a lump sum or an annuity with the lump sum or first annuity payment made at any time after the member's fifty-fifth birthday but no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years.

Benefits of a terminating member shall be deferred until the application is received.".

5. On page 8, line 6; and page 51, line 4; after "after" insert "a total of".

6. On page 8, line 7; and page 51, line 5; after "of" insert "(a) continuous".

7. On page 8, line 7; and page 51, line 5, after "plus" insert "(b)".

8. On page 14, line 13, strike "and"; and in line 14 after "(18)" insert "Plan year means the twelve-month period beginning on July 1 and ending on June 30 of the following year; and

(19)".

9. On page 24, line 7, strike "form" and show as stricken; in line 15 strike "and"; in line 25 strike "twelve times"; in line 26 strike "years" and insert "months" and after "her" insert "creditable"; and in line 28 after "year" insert "; and

(35) Plan year means the twelve-month period beginning on

July 1 and ending on June 30 of the following year".

10. On page 27, strike beginning with "under" in line 4 through line 8, show as stricken, and insert "as provided in section 79-1522 or 79-1522.01.".

11. On page 28, line 21, strike "or", show as stricken, and insert an underscored comma; in line 22 after "of" insert "(a)" and after "plus" insert "(b)"; and in line 24 after "age" insert "upon termination".

12. On page 34, line 10, after "completed" insert "at least a total of"; in line 11 strike "or more", show as stricken, and insert "years of (a) creditable service plus (b) eligibility and vesting credit,"; and in lines 11 and 12 strike the new matter.

13. On page 37, line 13, after "system" insert ", or prior to retirement, whichever is first".

14. On page 38, line 15, after "district" insert ", or prior to retirement, whichever is first.".

15. On page 42, line 3, strike "and"; and in line 4 after "(5)" insert "Plan year means the twelve-month period beginning on July 1 and ending on June 30 of the following year; and

(6)".

16. On page 43, lines 21 and 23, after "of" insert "(a)" and after "plus" insert "(b)"; in line 24 after "of" insert "(a)"; and in line 25 after "plus" insert "(b)".

17. On page 48, line 11, strike "and"; and in line 14 after "period" insert "; and

(21) Plan year means the twelve-month period beginning on January 1 and ending on December 31".

18. On page 49, strike beginning with "(i)" in line 20 through "deferred" in line 21, show as stricken, and insert ", payable in a lump sum or an annuity with the lump sum or first annuity payment made at any time after termination but"; and strike lines 26 through 28, show the old matter as stricken, and insert "or an annuity with the lump sum or first annuity payment made at any time after termination but no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years plus (ii) the amount of his or her employer account payable in a lump sum or an annuity with the lump sum or first annuity payment made at any time after the member's fifty-fifth birthday but no later than the sixtieth day after the end of the year in which the member attains the age of seventy and one-half years.

Benefits of a terminating member shall be deferred until the application is received.".

19. On page 50, strike lines 1 through 20 and show the old matter as stricken.

20. On page 56, line 26, after "79-1529," insert "79-1533," and after "84-1301," insert "84-1317,"; and in line 27 strike "section" and insert "sections 23-2315 and".

21. Renumber the remaining sections and correct the internal references accordingly.

(Signed) Bob Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 936. Placed on General File.
LEGISLATIVE BILL 964. Placed on General File.

LEGISLATIVE BILL 1139. Placed on General File as amended.
Standing Committee amendment to LB 1139:
AM2937

1. On page 2, line 8, strike "reimbursement to"; and in line 10 strike "be at" and insert "receive a credit in".

2. On page 3, line 12, strike "reimbursement under this section to"; and in line 14 strike "be at" and insert "receive a credit in".

LEGISLATIVE BILL 924. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Urban Affairs

LEGISLATIVE BILL 1170. Placed on General File.

LEGISLATIVE BILL 1162. Placed on General File as amended.
Standing Committee amendment to LB 1162:
AM2926

1. On page 2, lines 13 and 22; and page 4, line 26, strike "may" and insert "shall".

2. On page 2, lines 14 and 22, strike ", who shall be" and insert "or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's".

3. On page 4, line 28, strike beginning with the comma through "village", show as stricken, and insert "or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's medical advisor".

LEGISLATIVE BILL 1092. Indefinitely postponed.
LEGISLATIVE BILL 1163. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

NOTICE OF COMMITTEE HEARINGS

Agriculture

Governor Appointments Tuesday, February 6, 1996 1:15 p.m.
Nebraska Dry Bean Commission
Dale Eirich
F. Jon Holzfaster

(Signed) Merton L. Dierks, Chairperson

Nebraska Retirement Systems

LB 955	Tuesday, February 13, 1996	7:00 p.m.
LB 1077	Tuesday, February 13, 1996	7:00 p.m.

Governor Appointment Tuesday, February 13, 1996 7:00 p.m.
DiAnn Petersen - Nebraska Investment Council

LB 902	Thursday, February 15, 1996	12:15 p.m.
LB 1251	Thursday, February 15, 1996	12:15 p.m.
LB 1256	Thursday, February 15, 1996	12:15 p.m.

Monday, February 26, 1996 12:15 p.m.
Presentation of Actuarial Reports - Towers Perrin

(Signed) Bob Wickersham, Chairperson

STANDING COMMITTEE REPORTS

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.

State Highway Commission
George Miles
Ron Books

VOTE: Aye: Senators Avery, Coordsen, Jones, Klein, Kristensen, Matzke, and Pedersen. Nay: None. Absent: Senator Pirsch.

(Signed) Doug Kristensen, Chairperson

Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska State Personnel Board
Samuel F. Seever
Thomas L. Sams

Nebraska Accountability and Disclosure Commission
J. L. Spray

VOTE: Aye: Senators Robinson, Janssen, Hilgert, Vrtiska, Schmitt, Witek, Stuhr, and Cudaback. Nay: None. Absent: None.

(Signed) C. N. "Bud" Robinson, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 41CA. The Chambers pending amendment, AM2957, on file and referred to in this day's Journal, was renewed.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chair declared the call raised.

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

The Chambers amendment lost with 10 ayes, 10 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Maurstad 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. Brown moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mrs. Brown requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 20:

Avery	Bromm	Coordsen	Hillman	Jones
Brashear	Brown	Dierks	Jensen	Kristensen

Matzke	Pirsch	Schellpeper	Schrock	Warner
Maurstad	Robinson	Schmitt	Vrtiska	Witek

Voting in the negative, 22:

Abboud	Chambers	Hudkins	McKenzie	Stuhr
Bernard-Stevens	Crosby	Janssen	Pedersen	Wehrbein
Beutler	Elmer	Landis	Preister	Wickersham
Bohlke	Fisher	Lindsay	Schimek	Withem
	Hilgert	Lynch		

Present and not voting, 5:

Cudaback	Hartnett	Klein	Robak	Wesely

Excused and not voting, 2:

Engel	Will

Failed to advance to E & R for review with 20 ayes, 22 nays, 5 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 349. Title read. Considered.

Mrs. Bohlke moved to bracket LB 349 until Wednesday, February 7, 1996.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mrs. Bohlke requested a roll call vote on her motion to bracket.

Voting in the affirmative, 26:

Beutler	Hillman	Klein	Pedersen	Wehrbein
Bohlke	Hudkins	Kristensen	Preister	Wesely
Crosby	Janssen	Landis	Schimek	Wickersham
Cudaback	Jensen	Lynch	Vrtiska	Witek
Fisher	Jones	McKenzie	Warner	Withem
Hartnett				

Voting in the negative, 15:

Abboud	Brashear	Hilgert	Maurstad	Schellpeper
Avery	Bromm	Lindsay	Pirsch	Schmitt
Bernard-Stevens	Dierks	Matzke	Robak	Schrock

Present and not voting, 6:

Brown Coordsen Elmer Robinson Stuhr
Chambers

Excused and not voting, 2:

Engel Will

The Bohlke motion to bracket prevailed with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 256. Placed on Select File as amended.
E & R amendment to LB 256:
AM7180

1. Because of the reissuance of Volume 2A, Reissue Revised Statutes of Nebraska, strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-1823, Reissue Revised Statutes of Nebraska, is amended to read:

29-1823. If at any time prior to trial it appears that the accused has become mentally incompetent to stand trial, such disability may be called to the attention of the district court by the county attorney, by the accused, or by any person for the accused. The judge of the district court of the county ~~wherein~~ where the accused is to be tried shall have the authority to determine whether or not the accused is competent to stand trial. The district judge may also cause such medical, psychiatric, or psychological examination of the accused to be made as he or she deems warranted and hold such hearing as he or she deems necessary. The cost of the examination, when ordered by the court, shall be the expense of the county in which the crime is charged. The district judge may allow any physician, psychiatrist, or psychologist a reasonable fee for his or her services, which amount, when determined by the district judge, shall be certified to the county board which shall cause payment to be made. Any examination conducted pursuant to this section shall be completed within six months after the date of the order requiring the examination. Should ~~he~~ the district judge determine after a hearing that the accused is mentally incompetent to stand trial, he or she shall order the accused to be committed to a state hospital for the mentally ill until such time as the disability may be removed. The cost of maintenance of the accused while under

commitment shall be paid by the state. ~~The cost of such an examination, when ordered by the court, shall be the expense of the county wherein the crime is charged. The district judge may allow any physician, psychiatrist or psychologist a reasonable fee for his services which amount, when determined by the district judge, shall be certified to the county board who shall cause payment to be made.~~

Sec. 2. Original section 29-1823, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 256A. Placed on Select File.

LEGISLATIVE BILL 939. Placed on Select File as amended.
E & R amendment to LB 939:
AM7181

1. On page 1, line 6, strike "an" and strike "date" and insert "dates".

LEGISLATIVE BILL 1141. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 694. Placed on General File as amended.
(Standing Committee amendment, AM2746, 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 1049. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LR 41CA:
AM2950

1. Strike original sections 1 and 2 and all amendments thereto and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 20, and Article X, sections 1 and 3:

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~~ one from each congressional

district, whose term 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.~~ 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 the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.'

X-1 'Every public utility corporation or common carrier organized or doing business in this state shall report, under oath, to the ~~Railway~~ Public Service Commission, when required by law or the order of ~~said Commission~~ the commission. The reports so made shall include such matter as may be required by law or the order of ~~said Commission~~ the commission.'

X-3 'No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property without permission of the ~~Railway~~ Public Service Commission; and in no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise.'.

Sec. 2. 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 limit the membership of the Public Service Commission to three members, one from each congressional district, and to change references to the Railway Commission.

For

Against'.".

Mrs. Witek filed the following amendment to LR 43CA:
FA408

On page 2, line 13, strike "for a chance to win money" and insert "for a remote chance to win money"

Mrs. Witek filed the following amendment to LB 645:
AM2958

1. Insert the following new section:

"Sec. 13. (1) The Task Force on Sex Offender Community Notification is created. The task force shall be comprised of nine members to be appointed by the Governor. At least three of the task force members shall have training or educational experience relating to the enforcement or prosecution of sex offense laws or the treatment of sex offenders. Members of the task force shall

serve at the pleasure of the Governor, and in the case of a vacancy, a successor shall be appointed for the unexpired term. Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties as provided in sections 81-1174 to 81-1177. The Nebraska Commission on Law Enforcement and Criminal Justice shall furnish the task force with necessary office equipment and supplies as well as necessary professional, technical, and clerical assistance.

(2) The duty of the Task Force on Sex Offender Community Notification is to make recommendations for legislation to provide for community notification under the Sex Offender Registration Act. The task force's recommendations shall identify (a) the purposes for which information gathered pursuant to the act may be released, including, but not limited to, law enforcement, confidential background checks, and public protection, (b) the extent to which such information may be released, (c) to whom such information may be released, (d) the procedures by which such information may be released, and (e) any other proposals or concerns it deems necessary to forward to the Legislature for inclusion in community notification legislation.

(3) The Task Force on Sex Offender Community Notification shall submit a report containing its recommendations for legislation to the Clerk of the Legislature no later than December 1, 1997, and shall cease to exist after the date upon which such report is so submitted.".

2. Renumber the remaining section accordingly.

Mr. Withem filed the following amendment to LB 349:
AM2955

1. Insert the following new sections:

"Sec. 3. Section 79-3802, Reissue Revised Statutes of Nebraska, is amended to read:

79-3802. (1) The Legislature hereby finds and declares that:

(a) Nebraska currently finances over seventy percent of the costs of operating its public school system from the property tax and other local sources while nationally only forty-three percent of the costs are supported by property taxes and other local sources;

(b) State support for the public school system has not kept pace with the increased costs of operating such system;

(c) Nebraska has a higher per capita property tax burden than most other states while the overall state and local per capita tax burden in the state is below the national average;

(d) The cost of operating the public school system is near the national average in per pupil cost as well as per capita spending;

(e) The overreliance on the property tax for the support

of the public school system has resulted in great disparities in local property tax rates; and

(f) The overreliance on the property tax for the support of the public school system has created inequitable educational fiscal resources for students.

(2) It is the intent, purpose, and goal of the Legislature to create a system of financing the public school system which will:

(a) Provide state support from all sources of state funding for forty-five percent of the aggregate general fund operating expenditures of school districts;

(b) Reduce the reliance on the property tax for the support of the public school system;

(c) ~~Broaden financial support for the public school system by dedicating a portion of the revenue received from the state income tax for support of the system;~~

~~(d)~~ Keep pace with the increasing cost of operating the public school system;

~~(e)~~ (d) Assure each district a foundation support level for the operation of schools within each district taking into consideration the taxable wealth and other accessible resources of the district;

~~(f)~~ (e) Assure a greater level of equity of educational opportunities for students in all districts;

~~(g)~~ (f) Assure a greater level of equity in property tax rates for the support of the public school system; and

~~(h)~~ (g) Assure that there is a shift to sustainable revenue sources, other than the property tax, for the support of the public school system through the establishment of limits on the growth of general fund budgets of districts.

(3) The Legislature further finds and declares that all funds to be distributed pursuant to section 79-3813 shall be used specifically for the purpose of reducing property taxes in the district to which they are distributed.

Sec. 6. Section 79-3812, Revised Statutes Supplement, 1995, is amended to read:

79-3812. ~~There are hereby created the School District Income Tax Fund and the~~ The Tax Equity and Educational Opportunities Fund~~, each of which~~ is created. The fund 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~~ fund shall receive ~~dedicated income tax appropriations and~~ appropriations made by the Legislature to fund sections 79-3806 to 79-3811. Any money in ~~such funds~~ the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

State Funds Investment Act. Any money in the School District Income Tax Fund on the effective date of this act shall be transferred to the General Fund on such date.

Sec. 7. Section 79-3813, Revised Statutes Supplement, 1995, is amended to read:

79-3813. On or before July 15 for 1994 and on or before July 1 of each year thereafter, the department shall determine the amounts to be distributed to each district pursuant to sections ~~79-3804 and~~ 79-3806 to 79-3811 and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, and each district. Such amounts shall be distributed in ten as nearly as possible equal payments on the last business day of each month beginning in September of each year and ending in June of the following year pursuant to warrants drawn against ~~the School District Income Tax Fund and~~ the Tax Equity and Educational Opportunities Fund. Such certified state aid amounts shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's general fund budget statement as provided to the Auditor of Public Accounts pursuant to section 79-3815.

Sec. 8. Section 79-3822, Reissue Revised Statutes of Nebraska, is amended to read:

79-3822. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources to districts equal to forty-five percent of the estimated general fund operating expenditures of districts for the ensuing school year;

(2) ~~Appropriate an amount of income tax revenue received to insure that twenty percent of all income tax receipts are dedicated to the support of districts throughout the state;~~

~~(3)~~ Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

~~(4)~~ (3) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 10. The following sections are outright repealed: Section 79-3810, Reissue Revised Statutes of Nebraska, and section 79-3804, Revised Statutes Supplement, 1995.".

2. On page 3, strike lines 2 and 3 and show as stricken; in line 3 strike "(3)", show as stricken, and insert "(2)"; in line 10 strike "(4)", show as stricken, and insert "(3)"; in line 13 strike "(5)", show as stricken, and insert "(4)"; in line 15 strike "(6)", show as stricken, and insert "(5)"; in line 20 strike "(7)",

show as stricken, and insert "(6)"; in line 22 strike "(8)", show as stricken, and insert "(7)"; in line 24 strike "(9)", show as stricken, and insert "(8)"; and in line 27 strike "(10)", show as stricken, and insert "(9)".

3. On page 4, line 5, strike "(11)" and insert "(10)"; in line 7 strike "(12)" and insert "(11)"; in line 10 strike "(13)" and insert "(12)"; in line 12 strike "(14)" and insert "(13)"; in line 15 strike "(15)" and insert "(14)"; in line 18 strike "(16)" and insert "(15)"; and in line 20 strike "(17)" and insert "(16)".

4. On page 5, line 4, strike "(18)" and insert "(17)"; in line 6 strike "(19)" and insert "(18)"; in line 9 strike "(20)" and insert "(19)"; in line 16 strike "(21)" and insert "(20)"; in line 18 strike "(22)" and insert "(21)"; and strike lines 25 through 28 and show the old matter as stricken.

5. On page 6, strike lines 1 through 3 and show the old matter as stricken; in line 4 strike "(25)" and insert "(22)"; strike beginning with "Nebraska" in line 7 through the comma in line 8 and show as stricken; in line 9 strike "(26)" and insert "(23)"; in line 10 strike "79-3804 and" and show as stricken; in line 12 strike "(27)" and insert "(24)"; in line 14 strike "(28)" and insert "(25)"; and in line 17 strike "(29)" and insert "(26)".

6. On page 9, lines 3 and 4, strike "79-3803, and 79-3808" and insert "79-3802, 79-3803, 79-3808, and 79-3822"; in line 4 strike "and"; and in line 5 after the second comma insert "and sections 79-3812 and 79-3813, Revised Statutes Supplement, 1995,".

7. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 349:
AM2953

1. On page 3, line 27; and page 4, lines 8 and 9, strike "adjusted" through "return" and insert "gross income per student".

2. On page 3, line 28, strike "individual adjusted".

Ms. Schimek filed the following amendment to LB 349:
AM2944

(Amendments to Standing Committee amendments, AM1024)

1. On page 3, line 8, after "of " insert "and other entities located in"; and in lines 9 and 10 strike "number" through "of of " and insert "average daily membership in".

2. On page 3, line 11; and page 5, line 22, after "Revenue" insert "and by the State Department of Education".

Ms. Schimek filed the following amendment to LB 349:
AM2954

1. On page 4, line 1, after "of" insert "and other entities located in"; strike beginning with "number" in line 2 through "of " in line 3 and insert "average daily membership in"; and in line 4 after "Revenue" insert "and by the State Department

of Education".

Mrs. Robak filed the following amendment to LB 349:
AM2940

(Amendments to Standing Committee amendments, AM1024)

1. Insert the following new sections:

"Sec. 3. Section 79-3801, Revised Statutes Supplement, 1995, is amended to read:

79-3801. Sections 79-3801 to 79-3824 and section 6 of this act shall be known and may be cited as the Tax Equity and Educational Opportunities Support Act.

Sec. 7. (1) Not later than November 15 of each year, the Department of Revenue shall certify to the State Department of Education for the second preceding tax year (a) the state adjusted gross income per return, (b) the adjusted gross income per return for each Class I, II, III, IV, or V district in the state in which ten or more individual income tax returns were filed by residents, and (c) the total adjusted gross income for all Class I, II, III, IV, and V districts in which less than ten individual income tax returns were filed by residents and the number of individual income tax returns filed by residents in each district.

(2) For districts identified in subdivision (1)(c) of this section, the department shall determine the district adjusted gross income per return for each district by allocating the total adjusted gross income for all such districts by the pro rata share of the total adjusted valuation of all such districts and dividing the allocated amounts by the number of returns in each district.".

2. On page 12, line 12, strike the second "and"; and in line 13 after the last comma insert "and section 79-3801, Revised Statutes Supplement, 1995,".

3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 314. Introduced by Wehrbein, 2.

WHEREAS, in accordance with the provisions of section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education a capital construction project totaling $3,520,000 comprised of the following plans:

(1) Repair and renovation of the elevators installed during initial construction of the high-rise residence halls located on the city campus of the University of Nebraska-Lincoln at an estimated cost of $1,800,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period;

(2) Replacement of pot/pan and dish washing machines in three residence hall dining centers located on the city campus of the University of Nebraska-Lincoln at an estimated cost of $570,000 to be

funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period;

(3) Purchase and installation of equipment and wiring to connect all residence hall student rooms of the University of Nebraska-Lincoln to the campus and technology network at an estimated cost of $900,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a six-year period; and

(4) Removal of the remaining asbestos found in residence halls of the University of Nebraska-Lincoln at an estimated cost of $250,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period;

WHEREAS, The Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the Board of Regents has submitted the project to the Legislature for approval in accordance with the provisions of section 85-404.

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

1. That pursuant to the provisions of section 85-404 the capital construction project totaling $3,520,000 comprised of the following plans is approved:

(a) Repair and renovation of the elevators installed during initial construction of the high-rise residence halls located on the city campus of the University of Nebraska-Lincoln at an estimated cost of $1,800,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period;

(b) Replacement of pot/pan and dish washing machines in three residence hall dining centers located on the city campus of the University of Nebraska-Lincoln at an estimated cost of $570,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period;

(c) Purchase and installation of equipment and wiring to connect all residence hall student rooms of the University of Nebraska-Lincoln to the campus and technology network at an estimated cost of $900,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a six-year period; and

(d) Removal of the remaining asbestos found in residence halls of the University of Nebraska-Lincoln at an estimated cost of $250,000 to be funded from the proceeds of revenue bonds issued by the Board of Regents and to be repaid over a twenty-year period.

2. That the revenue bonds of the Board of Regents may be issued in an amount sufficient only to pay the costs of the project, to pay the costs of issuing such bonds, and to establish any reserves necessary for such bonds.

Laid over.

VISITORS

Visitors to the Chamber were the Collins family from Davey; and Don Chohon and Dale Wiles from O'Neill.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Wednesday, January 31, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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EIGHTEENTH DAY - JANUARY 31, 1996

LEGISLATIVE JOURNAL

EIGHTEENTH DAY - JANUARY 31, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 31, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Archie Fairbrother, Douglas Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Chambers, Dierks, Landis, Lindsay, Warner, Wickersham, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

ANNOUNCEMENT

Mr. Matzke designates LB 1188 as his priority bill.

GENERAL FILE

LEGISLATIVE RESOLUTION 43CA. Read. Considered.

Standing Committee amendment, AM2406, found in the Journal on page 2531, First Session, 1995, was considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper renewed his pending amendment, AM2735, found in the Journal on page 336, to the Standing Committee amendment.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 469 and 584.

Enrollment and Review Change to LB 469

The following changes, required to be reported for publication in the Journal, have been made:
ER9109

1. In the Beutler amendment, AM2918:

a. Section 5 has been renumbered as section 6; and

b. On page 3, line 24, "all amendments thereto and" has been inserted after the second "and"; and in line 25 "19-4622," has been inserted after the comma.

2. In the E & R amendments, AM7168, amendment 2 has been struck.

3. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "public meetings; to amend sections 19-4610, 19-4615, 19-4616, 19-4622, and 84-1411, Reissue Revised Statutes of Nebraska, and section 19-4618, Revised Statutes Supplement, 1994; to change provisions relating to rate filings and hearings under the Municipal Natural Gas Regulation Act; to provide for videoconferencing of meetings of certain organizations; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 584

The following changes, required to be reported for publication in the Journal, have been made:
ER9110

1. In the Hillman amendment, AM2887:

a. On page 5, line 16, strike the new matter; and

b. On page 6, line 21, "its" has been struck and "their" inserted.

2. In the E & R amendments, AM7167:

a. On page 26, lines 1, 6, 8, and 21, "8" has been struck and "18" inserted; and

b. On page 27, line 15, "37-202.02," has been inserted after the second comma and "37-216.01 to 37-216.09," has been inserted after the fifth comma; in line 19 "to change and eliminate provisions relating to trout and habitat stamps; to provide for aquatic habitat stamps; to create a fund;" has been inserted after the semicolon; in line 22 "and"

has been struck; and in line 23 "; and to outright repeal section 37-217.01, Reissue Revised Statutes of Nebraska" has been inserted after "sections".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1011. Placed on General File.
LEGISLATIVE BILL 1094. Placed on General File.

LEGISLATIVE BILL 1111. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1127	Wednesday, February 7, 1996	1:30 p.m.

(Signed) Chris Beutler, Chairperson

General Affairs

LB 1057	Tuesday, February 13, 1996	1:30 p.m.
LB 1255	Tuesday, February 13, 1996	1:30 p.m.
LB 1277	Tuesday, February 13, 1996	1:30 p.m.
LB 1281	Tuesday, February 13, 1996	1:30 p.m.
LB 1334	Tuesday, February 13, 1996	1:30 p.m.
LR 301CA	Tuesday, February 13, 1996	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

MOTION - Withdraw LB 1307

Mr. Kristensen moved to withdraw LB 1307.

Laid over.

GENERAL FILE

LEGISLATIVE RESOLUTION 43CA. The Schellpeper pending amendment, AM2735, found in the Journal on page 336 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Messrs. Kristensen, Janssen, and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers moved to bracket LR 43CA until February 6, 1996.

Mr. Chambers withdrew his motion to bracket.

Mr. Chambers moved to bracket LR 43CA until June 1, 1996.

Mr. Lynch offered the following amendment to the Chambers pending motion to bracket:
Amend motion to February 6, 1996.

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

Pending.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 1247	Wednesday, February 7, 1996	1:30 p.m.
LB 1223	Wednesday, February 7, 1996	1:30 p.m.
LB 1338	Wednesday, February 7, 1996	1:30 p.m.
LB 1172	Thursday, February 8, 1996	1:30 p.m.
LB 1313	Thursday, February 8, 1996	1:30 p.m.
LB 1335	Thursday, February 8, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LB 1344	Wednesday, February 21, 1996	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 998	Wednesday, February 7, 1996	1:30 p.m.
LB 1099	Wednesday, February 7, 1996	1:30 p.m.
LB 1221	Wednesday, February 7, 1996	1:30 p.m.
LB 1269	Wednesday, February 7, 1996	1:30 p.m.
LB 1271	Wednesday, February 7, 1996	1:30 p.m.
LB 1280	Wednesday, February 7, 1996	1:30 p.m.
LB 1333	Wednesday, February 7, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

ANNOUNCEMENT

Mr. Elmer designates LR 292CA as his priority resolution.

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the advancement of LR 41CA.

(Signed) Pat Engel

AMENDMENTS - Print in Journal

Mr. Warner filed the following amendment to LB 29:
AM2919

1. On page 2, line 1, after "(1)" insert "(a)"; in line 7 after the period insert:

"(b) Each postsecondary educational institution which (i) is currently in operation, (ii) participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program, and (iii) for the relevant time period had a cohort default rate equal to or in excess of the percentage which directly triggered the relevant default cost fee charged to the state shall be required to remit an excess default rate fee in addition to its proportionate share of the relevant default cost fee charged to the state. Such excess default rate fee shall be fifty percent of the institution's proportionate share of the relevant default cost fee.

(c) The balance of the relevant default cost fee charged to the state and not assessed pursuant to subdivision (b) of this subsection shall be assessed to postsecondary educational institutions which are currently in operation and which participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program for the relevant time period, excluding those institutions subject to assessment pursuant to such subdivision.

(d) Any postsecondary educational institution subject to assessment pursuant to subdivision (c) of this subsection shall not be assessed an amount exceeding the respective institution's proportionate share of the relevant default cost fee charged to the state. Such proportionate share means an amount which, in proportion to the total of the relevant default cost fee charged to the state by the United States Secretary of Education, is equal to the proportion of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume attributable to the respective institution to the total of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume for all institutions which participated in the Federal Family Education Loan Program and the Federal Direct Student Loan Program for the relevant time period.

(2)"; in line 10 after "institution" insert "as provided in subsection (1) of this section"; strike beginning with "The" in line 11 through line 13; in line 14 strike "(2)" and insert "(3)"; and in line 20 strike "(3)" and insert "(4)".

Mr. Beutler filed the following amendment to LR 43CA:
FA409
Amend AM2735
On page 1, line 17 strike the words "in the manner in which and"

Mr. Beutler filed the following amendment to LR 43CA:
AM2968
(Amendments to AM2735)
1. On page 1, line 3, strike "1996" and insert "1998, if the Governor has certified to the Secretary of State by February 1, 1998, that all reasonable efforts to negotiate an agreement with Iowa with respect to the sharing of Iowa casino gambling revenue with Nebraska have failed,".

Mr. Beutler filed the following amendment to LR 43CA:
AM2969
(Amendments to AM2735)
1. On page 3, strike beginning with the first "for" in line 8 through "agriculture" in line 9 and insert "or for needed government programs".
2. On page 4, strike beginning with "job" in line 6 through line 8 and insert "or for needed government programs.".

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 1363. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1012. Placed on General File.
LEGISLATIVE BILL 1184. Placed on General File.
LEGISLATIVE BILL 1252. Placed on General File.
LEGISLATIVE BILL 1275. Placed on General File.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 619. No objections. So ordered.

VISITORS

Visitors to the Chamber were 70 students and sponsors from Elkhorn High School; 25 students and teachers from the University of Nebraska/Kearney; and Vern and Fern Shamburg from Fairbury.

The Doctor of the Day was Dr. Strohmyer from Papillion.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, February 1, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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NINETEENTH DAY - FEBRUARY 1, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 1, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Darrell Sheeley, Highland Missionary Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Landis, and Preister who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Hilgert, Kristensen, Lindsay, Will, Mmes. Bohlke, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1138. Placed on General File as amended.
Standing Committee amendment to LB 1138:
AM2977

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 1024. Indefinitely postponed.
LEGISLATIVE BILL 1142. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

General Affairs

LEGISLATIVE BILL 932. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 1304	Tuesday, February 13, 1996	1:30 p.m.
LB 1017	Tuesday, February 13, 1996	1:30 p.m.
LB 1093	Tuesday, February 13, 1996	1:30 p.m.
LB 1211	Tuesday, February 13, 1996	1:30 p.m.
LB 1237	Tuesday, February 13, 1996	1:30 p.m.
LB 1238	Tuesday, February 13, 1996	1:30 p.m.
LB 1193	Tuesday, February 13, 1996	1:30 p.m.
LB 1202	Tuesday, February 20, 1996	1:30 p.m.
LB 1311	Tuesday, February 20, 1996	1:30 p.m.
LB 1318	Tuesday, February 20, 1996	1:30 p.m.
LB 1186	Tuesday, February 20, 1996	1:30 p.m.
LB 1354	Tuesday, February 20, 1996	1:30 p.m.
LB 1207	Tuesday, February 27, 1996	1:30 p.m.
LB 1131	Tuesday, February 27, 1996	1:30 p.m.
LB 1231	Tuesday, February 27, 1996	1:30 p.m.
LB 1300	Tuesday, February 27, 1996	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

AMENDMENT - Print in Journal

Mr. Lynch filed the following amendment to LB 106:
AM2904

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. 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 building and plumbing materials annexed to real estate by a contractor, plumber, or repairperson.

Sec. 4. Section 77-2702.05, Revised Statutes Supplement, 1994, is amended to read:

77-2702.05. Contractor, plumber, or repairperson shall mean any person who performs any repair services upon property annexed to, or who annexes property to, real estate, including leased property, and who, as a necessary and incidental part of performing such services, annexes property belonging to him or her

to the real estate being so repaired or annexed. Contractor or repairperson shall not include any person who incorporates live plants into real estate except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate. ~~The contractor or repairperson not electing to be taxed as a retailer shall be considered to be the consumer of such property furnished by him or her and annexed to the real estate being so repaired or annexed for all the purposes of the Nebraska Revenue Act of 1967. The contractor or repairperson:~~

~~(1) Shall be permitted to make an election that he or she will be taxed as a retailer in which case he or she shall not be considered the final consumer of property annexed to real estate except when the transfer of the annexed property is incidental to the transfer of an improvement upon real estate or the real estate;~~

~~(2) Shall be permitted to make an election that he or she will be taxed as the consumer of property annexed to real estate, will pay the sales tax or remit the use tax at the time of purchase, and will maintain a tax-paid inventory; or~~

~~(3) Shall be permitted to make an election that he or she will be taxed as the consumer of property annexed to real estate and may issue a resale certificate when purchasing property that will be annexed to real estate. Such person shall then remit the appropriate use tax on any materials when withdrawn from inventory for the purpose of being annexed to real estate at the rate in effect at the time and place of the withdrawal from inventory.~~

~~The provisions of this section shall not excuse any person from the obligation to collect sales tax on retail sales of property not annexed to real estate or from the obligation to pay the sales tax or remit the use tax on tools and other materials consumed that are not annexed to real estate.~~

~~The Department of Revenue shall not prescribe any requirements of Nebraska sales revenue, percentage or otherwise, restricting any person's election. Any change in an election shall require prior approval by the Tax Commissioner.~~

~~Any change in the election shall, if filed on or prior to the fifteenth of the month, become effective at the beginning of the following month or, if filed after the fifteenth of the month, become effective on the first day of the next succeeding month. Any person who changes his or her election and becomes a contractor or repairperson shall pay the tax on all property in inventory which may be annexed to real estate at the time of making the change in election except when such contractor or repairperson elects to purchase inventory with a resale certificate. Any person who changes his or her election and becomes a retailer shall not be entitled to a refund but shall receive a credit for the tax paid on property in inventory at the time the property is sold. The credit shall be applied against the tax collected on sales of such property.~~

~~Any contractor or repairperson who has not completed and~~

~~filed an election as required in this section within three months after beginning to operate as a contractor or repairperson shall be considered a retailer for all periods until an election has been made.~~

Sec. 7. Section 77-2702.14, Revised Statutes Supplement, 1994, is amended to read:

77-2702.14. (1) Retailer shall mean:

(a) Any seller engaged in the business of making sales subject to tax under section 77-2703 or in the business of making sales subject to tax under section 77-2703 at auction of property owned by the person or others. Retailer shall mean, in the case of sales at auction when the person collecting the proceeds of the auction is not the auctioneer or an agent or employee of the auctioneer, the person collecting the proceeds of the auction, other than the owner of the property, together with his or her principal, if any, and retailer shall not include the auctioneer in such case; and

(b) ~~Every person who has elected to be considered a retailer pursuant to subdivision (1) of section 77-2702.05; and~~

~~(c)~~ Every person operating, organizing, or promoting a flea market, craft show, fair, or similar event.

(2) Retailer shall not mean:

(a) Any person who leases or rents films when an admission tax is charged under the Nebraska Revenue Act of 1967 or railroad rolling stock interchanged pursuant to the provisions of the federal Interstate Commerce Act;

(b) Any person engaged in the business of furnishing rooms in a facility licensed under the provisions of Chapter 71, article 20, in which rooms, lodgings, or accommodations are regularly furnished for a consideration or a facility operated by an educational institution established under Chapter 79 or Chapter 85 in which rooms are regularly used to house students for a consideration for periods in excess of thirty days; or

(c) Any person making sales at a flea market, craft show, fair, or similar event who does not have a sales tax permit and who has arranged to pay sales taxes collected to the person operating, organizing, or promoting such event.

Sec. 8. Section 77-2702.16, Revised Statutes Supplement, 1994, is amended to read:

77-2702.16. Sale for resale shall mean a sale of property to any purchaser who is purchasing such property for the purpose of reselling it in the normal course of his or her business, either in the form or condition in which it is purchased or as an attachment to or integral part of other property. A sale for resale shall include a sale of property ~~to a contractor or repairperson electing to be taxed as a retailer under subdivision (1) of section 77-2702.05, to a contractor or repairperson being taxed as the consumer of property and electing a tax-free inventory under subdivision (3) of section 77-2702.05, or~~ to a purchaser for

the sole purpose of that purchaser renting or leasing such property to another person, with rent or lease payments set at a fair market value, or film rentals for use in a place where an admission is charged that is subject to taxation under the Nebraska Revenue Act of 1967 but not if incidental to the renting or leasing of real estate.

Sec. 9. Section 77-2702.23, Revised Statutes Supplement, 1994, is amended to read:

77-2702.23. (1) Use shall mean the exercise of any right or power over property incident to the ownership or possession of that property, except that use shall not include the sale of that property in the regular course of business or the exercise of any right or power over property which will enter into or become an ingredient or component part of property manufactured, processed, or fabricated for ultimate sale at retail. ~~Use specifically shall include the annexation of property to real estate or the withdrawal of property from inventory, which inventory is subject to sales tax under the Nebraska Revenue Act of 1967 or would be subject to the sales tax under the act except for an election under section 77-2702.05, for annexation to real estate or to improvements upon real estate without regard to the fact that such property is manufactured, processed, or fabricated prior to annexation or that such real estate and improvements may subsequently be sold as such.~~

(2) Except for a transaction that is subject to sales tax under the Nebraska Revenue Act of 1967, use shall not include the keeping, retaining, or exercising of any right or power over property for the purpose of subsequently transporting it outside the state or for the purpose of being processed, fabricated, or manufactured into, attached to, or annexed to other property to be transported outside the state and thereafter used solely outside the state.

Sec. 12. The following section is outright repealed: Section 77-27,119.03, Revised Statutes Supplement, 1994.".

2. On page 1, line 1 strike "section" and insert "sections 77-2702.05,"; in line 2 after the first comma insert "77-2702.14, 77-2702.16, and 77-2702.23,"; in line 6 after "life" insert "and to exempt building and plumbing materials"; in line 7 strike "and"; and in line 8 after "sections" insert "; and to outright repeal section 77-27,119.03, Revised Statutes Supplement, 1994".

3. On page 2, line 19, strike "section 1" and insert "sections 1 and 2".

4. On page 8, line 15, after the semicolon insert "and"; and strike beginning with the semicolon in line 18 through line 23, show the old matter as stricken, and insert an underscored period.

5. On page 11, line 26, strike "section 77-2702.07" and insert "sections 77-2702.05, 77-2702.07, 77-2702.14, 77-2702.16, and 77-2702.23".

6. Renumber the remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

February 1, 1996

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 Central Interstate Low-Level Radioactive Waste Commission.

APPOINTEE: F. Gregory Hayden, Ph.D, 5001 Deer Creek Circle, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GENERAL FILE

LEGISLATIVE BILL 964. Title read. Considered.

SPEAKER WITHEM PRESIDING

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

Ms. Schimek offered the following amendment:
FA410
Amend Sec. 4 - (1) delete (strike)

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Ms. Schimek moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 26:

Avery	Elmer	Klein	Robak	Schrock
Bromm	Fisher	Lindsay	Robinson	Stuhr
Brown	Hartnett	Lynch	Schellpeper	Vrtiska
Chambers	Hillman	Maurstad	Schimek	Wehrbein
Crosby	Janssen	McKenzie	Schmitt	Wesely
Cudaback				

Voting in the negative, 18:

Abboud	Bohlke	Hudkins	Matzke	Wickersham
Bernard-	Dierks	Jensen	Pedersen	Witek
Stevens	Engel	Jones	Pirsch	Withem
Beutler	Hilgert	Kristensen	Warner	

Absent and not voting, 1:

Coordsen

Excused and not voting, 4:

Brashear	Landis	Preister	Will

The Schimek amendment was adopted with 26 ayes, 18 nays, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens moved to indefinitely postpone LB 964.

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

MR. KRISTENSEN PRESIDING

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

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Maurstad requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 36:

Abboud	Dierks	Janssen	Maurstad	Schmitt
Avery	Elmer	Jones	McKenzie	Schrock
Beutler	Engel	Klein	Pedersen	Stuhr
Bohlke	Hartnett	Kristensen	Pirsch	Warner
Bromm	Hilgert	Lindsay	Robak	Wesely
Brown	Hillman	Lynch	Robinson	Witek
Coordsen	Hudkins	Matzke	Schellpeper	Withem
Crosby				

Voting in the negative, 4:

Bernard-Stevens	Chambers	Fisher	Wehrbein

Present and not voting, 4:

Cudaback	Jensen	Schimek	Vrtiska

Excused and not voting, 5:

Brashear	Landis	Preister	Wickersham	Will

The motion to cease debate prevailed with 36 ayes, 4 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Mr. Bernard-Stevens withdrew his motion to indefinitely postpone.

Pending.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA411
Amend AM2897
on line 7 page 1 add a (.) period after "Patrol" and strike the rest of the line thru line 9.

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA412
Amend AM2897
Page 1 line 23 strike the word "may" and insert "shall"
Page 2 strike in line 2 "In reviewing .... to the end of line 9.

Mr. Bernard-Stevens filed the following amendment to LB 754:

FA414
Amend AM2897
On page 1 line 3 after the word issuance add "or renewal".
Pg 1 line 7 put a period after Patrol and strike the rest thru line 9.

Mrs. Hillman filed the following amendment to LB 878:
AM2807

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 42-901, Reissue Revised Statutes of Nebraska, is amended to read:

42-901. Sections 42-901 to 42-929 and section 7 of this act shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 2. Section 42-903, Reissue Revised Statutes of Nebraska, is amended to read:

42-903. For purposes of the Protection from Domestic Abuse Act, unless the context otherwise requires:

(1) Abuse shall mean the occurrence of one or more of the following acts between household members:

(a) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

(b) Placing, by physical menace, another in fear of imminent bodily injury;

(2) ~~Course of conduct shall mean a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning the person;~~

~~(3)~~ Department shall mean the Department of Social Services;

~~(4)~~ (3) Family or household members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, persons who are dating or have dated, and other persons related by consanguinity or affinity; and

~~(5) Harass shall mean to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose; and~~

~~(6)~~ (4) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas.

Sec. 3. Section 42-924, Reissue Revised Statutes of Nebraska, is amended to read:

42-924. (1) Any victim of domestic abuse ~~or any victim who has been willfully and maliciously harassed by a person who had~~

~~the intent to terrify, threaten, or intimidate the victim as prohibited by section 28-311.03~~ may file an application and affidavit for a protection order by making a showing of such conduct with any judge of a district court or a ~~conciliation~~ county court. Upon the filing of such an application and affidavit in support thereof, the judge or court may issue a protection order without bond enjoining the adverse party from (a) imposing any restraint upon the person or liberty of the applicant or (b) threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the applicant.

(2) Application for a protection order providing for removal of the adverse party from the premises occupied by the victim of domestic abuse shall require notice and hearing. Such hearing shall be scheduled as soon as possible after entry of the protection order but in no event later than fourteen days after entry of the protection order. The court may order either party excluded from the premises occupied by the other upon a showing that physical or emotional harm would otherwise result. Any such order issued shall specifically set forth the location of the premises and shall be personally served, and a return thereof shall be filed in district court.

(3) An application made pursuant to subsection (1) or (2) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) or (2) of this section shall specify that it is effective for a period of one year unless otherwise modified by the court. ~~Except as provided in section 28-311.04, any~~ Any person who knowingly violates an order issued pursuant to subsection (1) or (2) of this section after service shall be guilty of a Class II misdemeanor.

(4) If there is any conflict between sections 42-924 to 42-926 and any other provision of law, sections 42-924 to 42-926 shall govern.

Sec. 4. Section 42-924.01, Reissue Revised Statutes of Nebraska, is amended to read:

42-924.01. Fees for filing and fees for service of process shall not be charged to the petitioner for any proceeding seeking only the relief provided by the Protection from Domestic Abuse Act. ~~If an applicant files an affidavit with his or her application and affidavit for a protection order stating that he or she does not have the funds available to pay the cost of filing and service, the application and affidavit for a protection order shall be filed and served without payment of costs. If an application and affidavit for a protection order are filed and served without payment of costs, the court shall determine at the hearing if the applicant is able to pay such costs. In determining whether the applicant is able to pay such costs, the income and financial status of the alleged abuser shall not be considered. If the court finds that the applicant is able to pay such costs, the court may order the applicant or alleged abuser to pay the costs of filing~~

~~and service. If there is any conflict between this section and sections 25-2301 to 25-2310, this section shall govern.~~

Sec. 5. Section 42-924.02, Reissue Revised Statutes of Nebraska, is amended to read:

42-924.02. The clerk of the district court shall make available standard application and affidavit forms for a protection order ~~and waiver of costs pursuant to section 42-924.01~~ with instructions for completion to be used by an applicant. The clerk and his or her employees shall not provide assistance in completing the forms. The ~~department~~ State Court Administrator shall adopt and promulgate the standard application and affidavit forms provided for in this section and provide a copy of such forms to all clerks of the district courts in this state.

Sec. 6. Section 42-926, Reissue Revised Statutes of Nebraska, is amended to read:

42-926. Upon the issuance of any protection order under section 42-925, the clerk of the court shall ~~forthwith~~ immediately provide the applicant, without charge, with two certified copies of such order, shall immediately ~~. The clerk of the court shall also forthwith~~ provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of such order and one copy each of the sheriff's return thereon, and shall immediately ~~. The clerk of the court shall also forthwith~~ provide a copy of the protection order to the sheriff's office in the county where the adverse party may be personally served together with instructions for service. Upon receipt of the order and instructions for service, such sheriff's office shall ~~forthwith~~ immediately serve the protection order upon the adverse party and file its return thereon with the clerk of the court which issued the protection order within fourteen days of the issuance of the protection order. Upon verification of service, the sheriff shall notify the Nebraska State Patrol of effective service. If any protection order is dismissed or modified by the court, the clerk of the court shall ~~forthwith~~ immediately provide the local police department or local law enforcement agency and the local sheriff's office, without charge, with one copy each of the order of dismissal or modification.

Sec. 7. (1) The Nebraska State Patrol shall maintain a registry of all orders for protection issued by a court of this state or registered in this state. The orders must be included in the registry within twenty-four hours after service.

(2) The information contained in the registry shall be available at all times to a court, a law enforcement agency, and other appropriate governmental agencies upon request.

Sec. 8. Original sections 42-901, 42-903, 42-924 to 42-924.02, and 42-926, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Withem filed the following amendment to LB 604:

AM2985

1. Insert the following new sections:

"Sec. 3. Section 79-426.15, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.15. (1) Not less than thirty nor more than sixty days after the designation of the plan as final approved plan, the proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the electors of districts within the county whose boundaries are in any manner changed by the plan of reorganization, including the boundaries of Class VI school districts if such plan includes a Class I school district which is entirely within a Class VI school district.

(2) Notice of the election provided for by subsection (1) of this section shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of reorganization, (b) contain a description of the boundaries of the proposed district, and (c) contain a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

(3) All ballots shall be prepared and the special election referred to in subsection (1) of this section shall be held and conducted by the county clerk or election commissioner and the expense of such election ~~is to~~ shall be paid by the county board or boards, if more than one county is involved as provided in subsection (4) of this section. The county clerk or election commissioner shall use the duly appointed election board or appoint two judges and two clerks who shall be qualified electors of the territory of the proposed school district. The election shall be held at a place or places within the proposed district which shall have been determined by the county clerk or election commissioner to be convenient for the voters.

(4) If the proposed plan of reorganization involves a district under the jurisdiction of another county committee, the county clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district shall give the notice required by subsection (2) of this section in a newspaper of general circulation in the territory of the proposed district and prepare the ballots, and such election shall be held and conducted by the county clerk or election commissioner of each county involved in the proposed reorganization in accordance with the Election Act. Each county board shall bear a share of the total election expense in the same proportion that the number of electors residing in the proposed district in one county stands to the whole number of electors in the proposed district.

~~(5) In any election held as provided in this section, all districts of like class shall vote as a unit, except that Class I school districts within the boundaries of which are located an incorporated village or city shall constitute a separate voting unit and Class I school districts which do not have within their boundaries an incorporated village or city shall constitute a separate voting unit.~~

~~(6)~~ (5) Approval of the plan at the special election shall require a majority of all electors voting. ~~within each voting unit included in the proposed plan.~~

Sec. 4. Section 79-426.16, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.16. If the majority vote ~~in each voting unit at said election shall not be~~ at the election under section 79-428.15 is not in favor of the plan of reorganization, the county committee shall continue in its efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the county committee, it shall be submitted for the approval of the state committee and if approved by such committee it shall be submitted to a vote under the procedure provided.".

2. On page 9, line 12, after the second comma insert "79-426.15, 79-426.16,".

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 1320	Thursday, February 8, 1996	1:30 p.m.
LB 1253	Thursday, February 8, 1996	1:30 p.m.
LB 1289	Thursday, February 8, 1996	1:30 p.m.
LB 1370	Thursday, February 8, 1996	1:30 p.m.
LB 930	Thursday, February 8, 1996	1:30 p.m.
LB 1290	Wednesday, February 14, 1996	1:30 p.m.
LB 1390	Wednesday, February 14, 1996	1:30 p.m.
LB 1124	Wednesday, February 14, 1996	1:30 p.m.
LB 1115	Wednesday, February 14, 1996	1:30 p.m.

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1037A. 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 1037, Ninety-fourth Legislature, Second Session, 1996.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 890, 891, 892, 893, 894, 895, 896, 897, 898, and 899.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 922. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 968. Placed on General File as amended.
Standing Committee amendment to LB 968:
AM2922

1. On page 2, line 19, after "A" insert "reasonably approximate"; in line 21 after "of" insert "(i)"; and in line 22 after "Legislature" insert ", (ii) the Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, members of the Public Service Commission, members of the Board of Regents of the University of Nebraska, or members of the State Board of Education, or (iii) any candidate who has formed a candidate committee".

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 1044. Placed on General File as amended.
(Standing Committee amendment, AM2978, 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

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 964. Mr. Chambers offered the following amendment:
FA413

P. 4, line 23, after "subdivision," insert "or by ordinance in the case of a city or village"

SPEAKER WITHEM PRESIDING

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Fisher asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 14 nays, and 18 not voting.

Pending.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 959	Thursday, February 8, 1996	1:30 p.m.
LB 1195	Thursday, February 8, 1996	1:30 p.m.
LB 1342	Thursday, February 8, 1996	1:30 p.m.
LB 1380	Thursday, February 8, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 96009

DATE: January 31, 1996

SUBJECT: LB 69; Authority of County Boards Over the Election Commissioners in Those Counties Where the Election Commissioners are Currently Appointed by the Governor

REQUESTED BY: Senator Kate Witek
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You enclosed a copy of LB 69, which you introduced and which is currently pending before the Legislature, with your opinion request letter. You then posed the following question to us with respect to that bill, "{i}s LB 69 necessary to give the county board authority or oversight powers over the election commissioner in those particular metropolitan counties where the commissioner is appointed by the Governor?" For the reasons discussed below, we believe that the answer to your question is "yes."

In 1994, you asked us a similar question. In that instance, you wished to know whether the election commissioner in counties over 50,000 in population was "responsible" to the Governor or to the county board under LB 76, a substantial revision of the election laws before the Legislature at that time. In our Op. Att'y Gen. No. 94008 (February 9, 1994), we responded by noting that, under LB 76, the election commissioners at issue were "responsible" to the Governor, in the sense that the Governor had authority under the bill to remove those election commissioners for specified misconduct or incompetence. LB 76 was subsequently enacted by the Legislature and approved by the Governor on April 15, 1994. The sections of the bill which allowed the Governor to appoint election commissioners for counties having a population over a certain level and to remove those commissioners for specified misconduct remained intact, and are codified at **Neb. Rev. Stat. §§** 32-207 and 32-214 (Cum. Supp. 1994), respectively.

Among other things, your LB 69 would amend § 32-207 so that the election commissioners in counties over 100,000 inhabitants who are currently appointed by the Governor would be appointed by the county board. In addition, LB 69 would amend § 32-214 to allow the county board to remove election commissioners in those same counties for specified misconduct. To the extent that having the power to appoint and remove the election commissioners currently appointed by the Governor is synonymous with having "authority or oversight powers" over those officials, we believe that LB 69 is "necessary" to bring about that result in light of the current statutes.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-45-14.op
cc: Patrick J. O'Donnell

Clerk of the Legislature

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 1336. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

VISITORS

Visitors to the Chamber were former Senator Connie Day from Norfolk; and Laura Kliewer Foster and Paul Cohan from Lombard, Illinois.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Friday, February 2, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTIETH DAY - FEBRUARY 2, 1996

LEGISLATIVE JOURNAL

TWENTIETH DAY - FEBRUARY 2, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 2, 1996

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, United Methodist Church.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear and Landis who were excused; and Messrs. Avery, Bernard-Stevens, Coordsen, Lindsay, Lynch, Matzke, Robinson, Schrock, Warner, Will, Mmes. McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 675, line 31, strike "Maurstad" and insert "Bernard-Stevens".
The Journal for the nineteenth day was approved as corrected.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 1, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bovee, Phyllis - Lincoln	American Association of Retired Persons

Conway, Gerald A. - Wayne	ATOKAD Agriculture & Racing Association
Fotis, James J. - Falls Church, VA	Law Enforcement Alliance of America
Radcliffe and Associates	
Radcliffe, Walter H. - Lincoln	University of Nebraska
Skochdopole, R. A. - Omaha	Alegent Health

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report for October 1 through December 31, 1995 (Sec. 19-4617, R.R.S. 1943)

Roads, Department of
State Highway Commission Quarterly Report for period ending December 31, 1995 (Neb.Rev.Stat. Section 39-1111 (1988))
Board of Public Roads Classifications and Standards Minutes for December 1995

Social Services, Department of
Job Support Program Annual Report

GENERAL FILE

LEGISLATIVE BILL 645. Title read. Considered.

Standing Committee amendment, AM0240, found in the Journal on page 673, First Session, 1995, was considered.

Mr. Abboud renewed his pending amendment, AM2699, found in the Journal on page 387, to the Standing Committee amendment.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

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

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 754A. 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 754, Ninety-fourth Legislature, Second Session, 1996.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 961. Placed on General File.
LEGISLATIVE BILL 1153. Placed on General File.

(Signed) Don Wesely, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on a Governor appointment.

Hayden, F. Gregory, Ph.D - Central Interstate Low-Level Radioactive Waste Commission -- Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 645. The Abboud pending amendment, AM2699, found in the Journal on page 387 and considered in this day's Journal, to the pending Standing Committee amendment, was renewed.

Mr. Jones 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 16 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the Abboud amendment.

Voting in the affirmative, 35:

Abboud	Brown	Elmer	Hillman	Klein
Beutler	Coordsen	Engel	Hudkins	Kristensen
Bohlke	Crosby	Fisher	Janssen	Matzke
Bromm	Dierks	Hilgert	Jones	Maurstad

McKenzie	Preister	Schrock	Warner	Wickersham
Pedersen	Schellpeper	Stuhr	Wehrbein	Will
Pirsch	Schmitt	Vrtiska	Wesely	Witek

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Hartnett	Lynch	Robinson	Schimek	Withem

Excused and not voting, 8:

Avery	Bernard-Stevens	Brashear	Jensen	Lindsay
		Cudaback	Landis	Robak

The Abboud amendment was adopted with 35 ayes, 1 nay, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Abboud offered the following amendment to the Standing Committee amendment:
FA415
Amend Committee amendment AM0240
1. Page 1, lines 14 and 19 strike "predator" and insert "offender" in line 23, strike "predatory".
2. Page 2, lines 6 & 17 strike "predator" and insert "offender"
3. Strike lines 14 thru 16 on page 2.
4. Page 2, line 21, strike "predatory"; after "offenses" in line 21, insert "directed at strangers, or at a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

The Abboud amendment was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Abboud offered the following amendment to the Standing Committee amendment:
FA416
Amend Committee amendment AM0240
1. Page 1, line 15, strike "may" and insert "shall".

Messrs. Hartnett, Jones, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Abboud 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 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

Mrs. Witek withdrew her amendment, AM2958, found in the Journal on page 654.

Mr. Chambers offered the following amendment:
FA421
Amend p. 5, line 14 after "shall" insert "knowingly and"

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers offered the following amendment:
FA422
Amend Abboud amendment (AM2699) P. 389 of Journal:
Strike lines 13-17, Renumber and amend lines 1-3 to harmonize.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers withdrew his amendment.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 37:

Abboud	Coordsen	Hudkins	Pedersen	Warner
Avery	Crosby	Janssen	Preister	Wehrbein
Bernard-Stevens	Dierks	Jones	Schellpeper	Wesely
Beutler	Engel	Klein	Schimek	Wickersham
Bohlke	Fisher	Kristensen	Schrock	Will
Bromm	Hartnett	Matzke	Stuhr	Witek
Brown	Hilgert	Maurstad	Vrtiska	Withem
	Hillman	McKenzie		

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Cudaback	Lynch	Pirsch	Robinson	Schmitt
Elmer				

Excused and not voting, 5:

Brashear	Jensen	Landis	Lindsay	Robak

Advanced to E & R for review with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

Messrs. Klein and Bromm asked unanimous consent to be excused. No objections. So ordered.

MOTION - Withdraw LB 1307

Mr. Kristensen renewed his pending motion, found in the Journal on page 664, to withdraw LB 1307.

The Kristensen motion to withdraw prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

MOTION - Approve Appointments

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following Governor appointments found in the Journal on page 584: Richard Schoonover, Daniel G. Weidner, Robert G. Waite, and Douglas Ackles - Nebraska Special Education Accountability Commission.

Voting in the affirmative, 26:

Abboud	Crosby	Janssen	Pedersen	Vrtiska
Avery	Dierks	Jones	Preister	Warner
Bernard-Stevens	Fisher	Kristensen	Schimek	Wehrbein
	Hartnett	Matzke	Schrock	Wesely
Bohlke	Hilgert	McKenzie	Stuhr	Withem
Coordsen	Hillman			

Voting in the negative, 0.

Present and not voting, 16:

Beutler	Elmer	Lynch	Robinson	Wickersham
Brown	Engel	Maurstad	Schellpeper	Will
Chambers	Hudkins	Pirsch	Schmitt	Witek
Cudaback				

Excused and not voting, 7:

Brashear	Jensen	Landis	Lindsay	Robak
Bromm	Klein			

These appointments were confirmed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 649: George Miles and Ron Books - State Highway Commission.

Voting in the affirmative, 30:

Abboud	Dierks	Janssen	Pedersen	Warner
Avery	Fisher	Jones	Preister	Wehrbein
Bernard-Stevens	Hartnett	Kristensen	Robinson	Wesely
	Hilgert	Matzke	Schimek	Wickersham
Beutler	Hillman	Maurstad	Schmitt	Will
Coordsen	Hudkins	McKenzie	Schrock	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 11:

Bohlke	Cudaback	Engel	Pirsch	Stuhr
Brown	Elmer	Lynch	Schellpeper	Vrtiska
Chambers				

Excused and not voting, 8:

Brashear	Jensen	Landis	Robak	Witek
Bromm	Klein	Lindsay		

These appointments were confirmed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Mr. Robinson 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 649: Samuel F. Seever and Thomas L. Sams - Nebraska State Personnel

Board; and J. L. Spray - Nebraska Accountability and Disclosure Commission.

Voting in the affirmative, 27:

Abboud	Crosby	Hillman	Preister	Warner
Bernard-Stevens	Dierks	Hudkins	Robinson	Wehrbein
Bohlke	Engel	Janssen	Schimek	Wickersham
Chambers	Fisher	Jones	Schrock	Will
Coordsen	Hartnett	Matzke	Stuhr	Withem
	Hilgert	Maurstad		

Voting in the negative, 0.

Present and not voting, 13:

Avery	Cudaback	McKenzie	Schellpeper	Vrtiska
Beutler	Kristensen	Pedersen	Schmitt	Wesely
Brown	Lynch	Pirsch		

Excused and not voting, 9:

Brashear	Elmer	Klein	Lindsay	Witek
Bromm	Jensen	Landis	Robak	

These appointments were confirmed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

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.

Thomas J. O'Neill, Jr. - Nebraska Game and Parks Commission

Voting aye: Senators Beutler, Avery, Bohlke, Elmer, Jones, McKenzie, and Preister. Nay: none. Absent: Senator Bromm.

(Signed) Chris Beutler, Chairperson

ANNOUNCEMENT

Mr. Lynch designates LB 694 as his priority bill.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 989. Placed on General File as amended.
Standing Committee amendment to LB 989:
AM2929

1. On page 6, strike lines 19 and 20 and insert "for the purposes allowed in subdivisions (2)(a) to (2)(p) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. A strategic school improvement plan shall not be required for this type of minigrant. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants. The application for this type of minigrant shall be brief and require that the school district explain how the grant will be used to directly advance one of the allowed purposes.".

(Signed) Ardyce Bohlke, Chairperson

Health and Human Services

LEGISLATIVE BILL 1155. Placed on General File as amended.
(Standing Committee amendment, AM2921, 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 1156. Placed on General File as amended.
Standing Committee amendment to LB 1156:
AM2938

1. On page 9, line 5, after "model" insert "when appropriate".

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 700 and 847.

Enrollment and Review Change to LB 847

The following changes, required to be reported for publication in the Journal, have been made:
ER9114

1. In the Wickersham amendment, AM2869:

a. Sections 31 to 33, 59, and 61 have been renumbered as 30 to 32, 60, and 62, respectively;

b. Amendments 2 and 4 have been struck;

c. On page 1, lines 18 and 21; and page 19, lines 10 and 13, the semicolon has been struck and an underscored comma inserted;

d. On page 7, line 3, "account" has been struck and "amount" inserted;

e. On page 10, line 4, "31 and" has been inserted before "32"; and in line 5 "and 33" has been struck;

f. On page 12, line 12, "33" has been struck and "32" inserted;

g. On page 13, line 12, the semicolon has been struck and an underscored period inserted;

h. On page 19, line 16, the second "the" has been struck;

i. On page 22, line 16, "and 84-1306" has been struck and ", 84-1306, and 84-1508" inserted; and the matter beginning with "3" in line 26 through "line" in line 27 has been struck; and

j. On page 23, line 10, "59" has been struck and "60" inserted.

2. In the Wickersham amendment, AM2892:

a. Section 40 has been struck;

b. Amendment 24 has been struck;

c. On page 1, line 3, ", sections 14 to 16 of this act," has been inserted after "24-714";

d. On page 2, line 3, ", sections 39 and 40 of this act," has been inserted after "81-2036";

e. On page 3, line 15, "the first" has been inserted after "after";

f. On page 4, line 3, "board" has been struck and "Public Employees Retirement Board" inserted; and

g. On page 5, the matter beginning with "strike" in line 9 through "81-2036" in line 10 has been struck and "line 1, after the comma insert 'the Judges Retirement Act, the Nebraska State Patrol Retirement Act,'; in line 2 after the first comma insert 'and'; strike beginning with the second comma in line 2 through the semicolon in line 3" inserted; the matter beginning with "the" in line 10 through the second "Act" in line 11 has been struck; and in line 14 the period has been struck and an underscored semicolon inserted.

3. In the E & R amendments, AM7173:

a. On page 25, line 12; and page 57, line 17, "of the Legislature" has been struck;

b. On page 25, line 22, "13" has been struck and "21" inserted;

c. On page 62, line 24, "23-2314," has been inserted after "sections" and "24-705" has been struck and "24-710.03" inserted; in line 25 "79-1515, 81-2024," has been inserted after the fourth comma and "81-2034," has been inserted after the fifth comma; in line 26 "84-1311" has been struck and "84-1316, 84-1325" inserted, "and" has been struck, and "and 84-1509," has been inserted after the last comma; and in line 27 "23-2310, 50-438," has been struck; and

d. On page 63, line 2, "23-2331, 79-1043, 79-1501.01," has been inserted after the second comma; and in line 3 "84-1331," has been inserted after the first comma.

4. On page 1, the matter beginning with "72-1240" in line 1 through line 13 and all amendments thereto have been struck and "23-2314, 24-701, 24-704, 24-710.03, 72-1238, 72-1240, 72-1242, 79-1501, 79-1515, 81-2024, 81-2026, 81-2034, 84-1301, 84-1309.01, 84-1310.01, 84-1311, 84-1316, 84-1325, 84-1501, 84-1504 to 84-1506, and 84-1509, Reissue Revised Statutes of Nebraska, sections 2-1608, 23-2309.01, 23-2310, 72-1237, 72-1239, 72-1243, and 72-1260,

Revised Statutes Supplement, 1994, and sections 23-2301, 23-2305, 23-2331, 79-1043, 79-1501.01, 79-1503, 81-2014, 81-2019, 84-1305, 84-1331, and 84-1503, Revised Statutes Supplement, 1995; to define and redefine terms; to change investment provisions for retirement funds and deferred compensation; to change membership provisions for the Nebraska Investment Council and the Public Employees Retirement Board; to change appointment provisions for the state investment officer and the director of the Nebraska Public Employees Retirement Systems; to provide and change powers and duties; to change provisions relating to military service credit and rollover contributions and distributions; to change and eliminate provisions relating to the legal advisor of retirement systems and the Public Employees Retirement Board; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1505, 84-1306, and 84-1508, Reissue Revised Statutes of Nebraska." inserted.

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 645:
FA417
Add the following at the end of Section 11
"unless the act which caused the person to be placed on the registry was a misdemeanor in which case a violation of this act shall be a crime of the same class as the original act"

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA418
Amend AM2897
On page two, line 18; strike "Nebraska State Patrol" and insert "Department of Education".

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA419
Amend AM2897
On page 2 after the word "offense." in line 9; add the following:
"Under no circumstances shall a certification be denied by the Commissioner of Education if a felony or misdemeanor found in any criminal history check is not against the law in the state of Nebraska."

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA420
Amend AM2897
On page three, strike lines 1-15

Mr. Beutler filed the following amendment to LB 645:
FA423
On line 28 page 2 after "(1)(a)" add "and (b)"

Messrs. Withem and Wesely filed the following amendment to LB 414: AM2990

(Amendments to AM2762)

1. Strike section 24 and insert the following new sections:

"Sec. 4. Section 71-1,132.07, Revised Statutes Supplement, 1995, is amended to read:

71-1,132.07. (1) The Board of Nursing is established. The board shall consist of eight registered nurse members, two licensed practical nurse members, and two consumer members, all of whom shall be appointed by the State Board of Health. The registered nurses on the Board of Nursing shall be from the following areas: (a) One practical nurse educator; (b) one associate degree or diploma nurse educator; (c) one baccalaureate nurse educator; (d) two nursing service administrators; (e) two staff nurses; and (f) one clinical nurse specialist, ~~certified~~ advanced registered nurse practitioner, certified nurse practitioner-anesthetist, or certified nurse midwife. The nursing service administrators, the staff nurses, and the licensed practical nurses shall be equally representative of acute care, long-term care, and community-based care. All congressional districts shall be equally represented on the board, and each member shall have been a bona fide resident of the congressional district from which he or she is appointed for a period of at least one year prior to the time of the appointment of such member.

(2) The terms of office of all board members shall be staggered terms of four years each as the State Board of Health determines.

(3) At the expiration of the term of any member, the State Board of Health may consult with appropriate professional nursing organizations regarding candidates for appointment. Appointments shall be made on or before December 1 of each year. In order to be considered for reappointment, a candidate must currently meet all criteria for initial appointment. Vacancies occurring on the Board of Nursing shall be filled for the unexpired terms by appointments made by the State Board of Health. No member shall serve more than two consecutive terms on the Board of Nursing. Any board member initially appointed for less than a full term shall be eligible to serve for two additional consecutive full terms.

(4) The State Board of Health shall have power to remove from office at any time any member of the Board of Nursing, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for any cause for which a license or certificate in the member's profession involved may be suspended or revoked, for a

lack of licensure or certification in the member's profession, or for other sufficient cause.

(5) All members of the board are immune from individual civil liability while acting within the scope of their duties as board members.

(6) If the entire board, an individual member, or a staff member is sued, the Attorney General shall appoint an attorney to represent the involved parties.

(7) The department shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the board and which establish procedures in the case such a conflict arises.

Sec. 15. Section 71-1708, Reissue Revised Statutes of Nebraska, is amended to read:

71-1708. Board shall mean the Board of ~~Nursing of the State of Nebraska~~ Advanced Registered Nurse Practitioners.

Sec. 16. Section 71-1709.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1709.01. Boards shall mean the Board of Advanced Registered Nurse Practitioners and the Board of Nursing ~~and the Board of Examiners in Medicine and Surgery~~ of the State of Nebraska.

Sec. 43. Section 71-1727, Revised Statutes Supplement, 1995, is amended to read:

71-1727. (1) All fees received pursuant to sections 71-1704 to 71-1727 shall be processed in the same manner as fees received pursuant to the Nurse Practice Act.

(2) The department shall, by rules and regulations, set the fees to be paid:

(a) By an applicant for a license to practice as an advanced registered nurse practitioner, but the fee shall not be in excess of five hundred dollars;

(b) By an applicant for renewal of a license, but the fee shall not be in excess of four hundred dollars;

(c) By an applicant for renewal of a license who fails to pay the renewal fee on or before the license expiration date, an additional fee of fifty dollars;

(d) By an applicant for reinstatement of a license from lapsed status, the current renewal fee and an additional fee of fifty dollars;

(e) For a certified statement that a licensee is or has been licensed in this state, but the fee shall not be in excess of fifty dollars;

(f) For written verification that a licensee is licensed in this state, but the fee shall not be in excess of ten dollars; and

(g) For a duplicate or reissued original license or certificate, but the fee shall not be in excess of ten dollars.

(3) Until July 1, 1997, the following fees shall be in

effect:

(a) By an applicant for a license to practice as an advanced registered nurse practitioner, a fee of two hundred dollars;

(b) By an applicant for renewal of a license, a fee of two hundred fifty dollars;

(c) By an applicant for renewal of a license who fails to pay the renewal fee on or before the license expiration date, an additional fee of fifty dollars;

(d) By an applicant for reinstatement of a license from lapsed status, a renewal fee of two hundred fifty dollars and an additional fee of fifty dollars;

(e) For a certified statement that a licensee is or has been licensed in this state, a fee of twenty-five dollars;

(f) For written verification that a licensee is licensed in this state, a fee of five dollars; and

(g) For a duplicate or reissued original license, a fee of five dollars.

Sec. 47. Section 27 of this act becomes operative on its effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 50. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 14, line 9, after "Act" insert "as it applies to certified registered nurse-anesthetists".

3. On page 27, strike beginning with "The" in line 8 through line 9.

4. On page 29, line 10, strike "twenty-five" and insert "thirty"; in line 14 strike "81-1176" and insert "81-1177"; strike beginning with the second "and" in line 25 through "Surgery" in line 26; and in line 27 after the semicolon insert "and

(3) Adopt, promulgate, and revise, with the approval of the department and the Board of Nursing, rules and regulations as may be necessary to carry the Advanced Registered Nurse Practitioner Act into effect. Such regulations shall include: Approved certification organizations and approved certification programs; continued competence; grounds for discipline; licensure, renewal, and reinstatement requirements; fees; professional liability insurance; and conflict of interest for board members.".

5. On page 30, strike lines 1 through 7; in line 11 strike the new matter; in line 22 after "fee" insert an underscored semicolon; and strike beginning with "not" in line 22 through line 23 and show the old matter as stricken.

6. On page 31, line 23, insert an underscored period after "department"; and strike beginning with "with" in line 23 through line 24 and show the old matter as stricken.

7. On page 33, line 21, strike "Advanced" and insert "On and after January 1, 1997, advanced".

8. On page 35, line 1, after "fee" insert an underscored period; strike line 2 and show the old matter as stricken; in lines 5 and 6 strike "with" through "boards" and show as stricken; and strike lines 16 through 20 and show the old matter as stricken.

9. On page 37, lines 20 and 23 and 24 strike "with" through the semicolon, show as stricken, and insert an underscored semicolon.

10. On page 38, line 5, strike "with" through "boards" and show as stricken; and in line 21 strike "of fifty dollars".

11. On page 39, line 13, strike "boards", show as stricken, and insert "Board of Nursing and Board of Examiners in Medicine and Surgery";

12. On page 39, line 23; and page 40, line 7, strike "boards" and insert "Board of Nursing and Board of Examiners in Medicine and Surgery".

13. On page 41, line 23, after the first comma insert "71-1708, 71-1709.01," and strike "71-1721.02,"; and in line 27 after the last comma insert "71-1,132.07,".

14. On page 42, line 1, before "71-1735" insert "71-2727,"; and in line 4 after "Sections" insert "71-1709," and strike the third comma and insert "to".

15. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 645:
FA424
On line 15, page 2 after the word "who" add "with a sexual intent"

Mr. Beutler filed the following amendment to LB 645:
FA425
On line 23, page 2 after "that is" add ", in the opinion of the Nebraska State Patrol,"

UNANIMOUS CONSENT - Add Cointroducers

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LR 292CA. No objections. So ordered.

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 645. No objections. So ordered.

VISITORS

Visitors to the Chamber were six students and teacher from Union College, Lincoln; and Senator Lynch's nephew, Scoutmaster John Camazind, 13 Boy Scouts, and sponsors from Ft. Calhoun.

The Doctor of the Day was Gary Rademacher from Nebraska City.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Bernard-Stevens and Mrs. Bohlke, the Legislature adjourned until 9:00 a.m., Monday, February 5, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FIRST DAY - FEBRUARY 5, 1996

LEGISLATIVE JOURNAL

TWENTY-FIRST DAY - FEBRUARY 5, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 5, 1996

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mrs. Crosby 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. Cudaback and Withem who were excused; and Messrs. Abboud, Avery, Beutler, Brashear, Chambers, Dierks, Engel, Kristensen, Landis, Lindsay, Schrock, Will, Mrs. Hillman, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 1060. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 754. Title read. Considered.

Standing Committee amendment, AM2897, found in the Journal on page 599, was considered.

Messrs. Wehrbein and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, FA411, found in the Journal on page 676.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schrock 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. Lynch 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 20 ayes, 0 nays, and 29 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Avery	Dierks	Schellpeper	Witek

Voting in the negative, 28:

Bernard-Stevens	Coordsen	Hillman	Matzke	Stuhr
	Crosby	Hudkins	McKenzie	Vrtiska
Bohlke	Elmer	Janssen	Pedersen	Warner
Brashear	Engel	Klein	Preister	Wehrbein
Bromm	Fisher	Kristensen	Robinson	Wesely
Brown	Hilgert	Landis	Schrock	

Present and not voting, 9:

Chambers	Jensen	Maurstad	Robak	Schmitt
Hartnett	Jones	Pirsch	Schimek	

Excused and not voting, 8:

Abboud	Cudaback	Lynch	Will	Withem
Beutler	Lindsay	Wickersham		

The Bernard-Stevens amendment lost with 4 ayes, 28 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens renewed his pending amendment, FA418, found in the Journal on page 696.

Messrs. Wehrbein and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, FA419, found in the Journal on page 696.

Mr. Chambers offered the following amendment to the Bernard-Stevens pending amendment:
FA427
Amend Bernard-Stevens amendment, FA419
Strike all language following "not" and insert "a felony or misdemeanor under the laws of the State of Nebraska."

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mmes. Witek and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING.

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

The Bernard-Stevens amendment, FA419, as amended, lost with 1 aye, 27 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
FA426
Amend AM2897
Section 7. 1) on line four - place a "period" after "check." and strike the rest of the sentence thru the word "qualified" in line seven.

Mr. Bernard-Stevens offered the following amendment to his pending amendment:
FA430
In FA426
Strike all of the stricken matter (in the DBS amdt)
But - "and otherwise qualified."

Pending.

LEGISLATIVE BILL 1141A. 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.

RESOLUTION

LEGISLATIVE RESOLUTION 314. Read. Considered.

LR 314 was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

MOTION - Approve Appointment

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following Governor appointment found in the Journal on page 693: Thomas J. O'Neill Jr. - Nebraska Game and Parks Commission.

Voting in the affirmative, 33:

Bernard-Stevens	Crosby	Hudkins	Pedersen	Vrtiska
Beutler	Elmer	Janssen	Pirsch	Warner
Bohlke	Engel	Jones	Preister	Wehrbein
Brown	Fisher	Klein	Schellpeper	Wesely
Chambers	Hartnett	Lindsay	Schmitt	Wickersham
Coordsen	Hilgert	Matzke	Schrock	Witek
	Hillman	McKenzie	Stuhr	

Voting in the negative, 0.

Present and not voting, 10:

Avery	Bromm	Jensen	Maurstad	Robinson
Brashear	Dierks	Kristensen	Robak	Schimek

Excused and not voting, 6:

Abboud	Landis	Lynch	Will	Withem
Cudaback				

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 279CA. Placed on General File.

LEGISLATIVE BILL 1161. Placed on General File.

LEGISLATIVE RESOLUTION 278CA. Indefinitely postponed.

LEGISLATIVE BILL 1160. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LEGISLATIVE BILL 1197. Placed on General File.
LEGISLATIVE BILL 1316. Placed on General File.
LEGISLATIVE BILL 1343. Placed on General File.

LEGISLATIVE BILL 947. Indefinitely postponed.
LEGISLATIVE BILL 1198. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 642, 642A, 900, 948, and 949.

Enrollment and Review Change to LB 642

The following changes, required to be reported for publication in the Journal, have been made:
ER9111

1. In the Avery amendment, AM2917, on page 1, line 8, "their" has been struck and "its" inserted.
2. In the Avery amendment, AM2889, on page 1, line 10, "department" has been struck and "Department of Social Services" inserted; and in line 14 ", to the state board" has been inserted before the period.
3. On page 1, line 1, "the" has been struck.

Enrollment and Review Change to LB 642A

The following changes, required to be reported for publication in the Journal, have been made:
ER9112

1. On page 1, line 3, "First Session, 1995" has been struck and "Second Session, 1996" inserted; and in line 4 "transfer funds" has been struck and "reduce appropriations" inserted.

Enrollment and Review Change to LB 900

The following changes, required to be reported for publication in the Journal, have been made:
ER9115

1. In the E & R amendments, AM7178, amendment 29 has been struck and the remaining amendments renumbered accordingly.

2. On page 1, line 1, "10-209," has been inserted after the first comma; and in line 2 "13-918," has been inserted after the last comma.

3. On page 2, line 19, ", 79-3337" has been inserted before the first "to".

4. On page 44, line 40, "79-3010." has been struck and shown as stricken.

5. On page 109, the matter beginning with "The" in line 2 through the period in line 4 has been struck.

6. On page 119, the matter beginning with "The" in line 4 through line 6 has been struck and shown as stricken; and in line 51 "79-906." has been struck and shown as stricken.

7. On page 130, line 30, "or board of education" has been inserted after "board".

8. On page 150, line 24, "79-4,118." has been struck and shown as stricken.

9. On page 170, line 53, "79-12,114." has been struck and shown as stricken.

10. On page 192, line 17, "(1)" has been struck and shown as stricken and "(1)" has been inserted after "who".

11. On page 204, line 25, "school" has been struck and shown as stricken.

12. On page 205, line 30, "an" has been inserted after "or"; and in line 40 "an" has been inserted after "or".

13. On page 209, lines 19 and 32, the second "school" has been struck and shown as stricken; and in line 26 "school" has been struck and shown as stricken.

14. On page 217, line 33, "retirement system" has been struck, shown as stricken, and "School Retirement System of the State of Nebraska" inserted.

15. On page 220, line 15, the stricken matter has been reinstated and the new matter has been struck.

16. On page 223, line 27, "retirement" has been inserted before "system".

17. On page 225, line 7, "210" has been struck and "154" inserted.

18. On page 227, line 27, "of whom" has been struck and shown as stricken; and in line 28 "of whom shall be" has been struck and shown as stricken.

19. On page 242, lines 46 and 50, "board of" has been struck and shown as stricken.

20. On page 268, line 12, "subdivision" has been struck, shown as stricken, and "subsection" inserted.

21. On page 271, line 21, "or board of education" has been inserted after "board"; and in line 27 "district" has been inserted after "school".

22. On page 272, line 11, the comma has been struck and shown as stricken; and in line 18 the commas have been struck and shown as stricken.

23. On page 273, line 24, "recently ended" has been struck and "recent complete" inserted.

24. On page 276, line 20, "said" has been struck, shown as stricken, and "the" inserted.

25. On page 279, line 9, the matter beginning with "for" through "from" has been struck, shown as stricken, and "from other sources for" inserted.

26. On page 281, line 14, "751" has been struck and "746" inserted.

27. On page 287, line 5, "314," has been inserted before "315".

28. On page 289, lines 2 and 3, "745 and 746" has been struck and "744 and 745" inserted.

29. On page 290, line 27, "school board" has been struck and shown as stricken; and in line 28 "board" has been inserted before "may".

30. On page 291, line 12, the second "school" has been struck and shown as stricken.

31. On page 293, line 15, "district" has been struck, shown as stricken, and "school" inserted; and in line 39 the second stricken comma has been reinstated.

32. On page 294, line 30, "tax" has been struck and "amount" inserted; and in line 36 "Class" has been struck.

33. On page 295, line 38, "tax" has been struck and "amount" inserted.

34. On page 299, line 29, "to" has been struck and shown as stricken.

35. On page 300, line 11, "786" has been struck and "785" inserted.

36. On page 304, line 27; and page 307, line 21, "resident school district" has been struck, shown as stricken, and "school district of residence" inserted.

37. On page 310, line 46, "higher" has been struck, shown as stricken, and "postsecondary" inserted.

38. On page 312, line 31, "section" has been struck and shown as stricken; and in line 32 "sections" has been inserted before "36".

39. On page 314, line 7, "the 1995-96" has been struck and shown as stricken and "1995-96" has been inserted after "year"; and in line 46 "824," has been struck.

40. On page 322, line 2, "center" has been struck, shown as stricken, and "program" inserted.

41. On page 323, line 30, ", donation," has been inserted after "devise".

42. On page 325, line 1, "handicaps" has been struck, shown as stricken, and "disabilities" inserted.

43. On page 326, line 3, "of this act" has been inserted after "829"; after line 3 the following new matter has been inserted:

"ARTICLE 11

PART (c) - SPECIAL EDUCATION

SUBPART (ii) - DEPARTMENT DUTIES;" and in line 10 "of this act" has been inserted after "802".

44. On page 329, line 27, "and team" has been struck and shown as stricken.

45. On page 331, line 28, the stricken comma has been reinstated.

46. On page 332, line 18, "each" has been struck and shown as stricken.

47. On page 333, line 3, "local" has been struck and shown as stricken.

48. On page 334, line 16, "each" has been struck; and in line 36 "to" has been struck and shown as stricken.

49. On page 336, line 10, "is authorized to" has been struck, shown as stricken, and "may" inserted.

50. On page 338, line 44, "department" has been struck, shown as stricken, and "State Department of Education" inserted.

51. On page 344, line 26, the new matter has been struck; in line 27 the stricken matter has been reinstated; in line 29 the stricken "have" has been reinstated and "has" has been struck; and in line 53 "service" has been inserted after "educational".

52. On page 346, line 52, "of the educational service unit" has been inserted after "board".

53. On page 349, line 26, "918" has been struck and "919" inserted; and in line 39 "governing" has been struck and shown as stricken.

54. On page 351, line 32, "without" has been struck, shown as stricken, and "outside" inserted.

55. On page 357, line 44, "postsecondary" has been inserted after "state".

56. On page 359, line 42, the second comma has been struck and shown as stricken.

57. On page 375, line 7, "for Education" has been inserted after "Compact"; and in line 36 "school" has been struck and "schools" inserted.

58. On page 376, line 27, "(d)" has been struck and "to" has been struck, shown as stricken, and "through" inserted; and in line 36 "(4) and" has been struck and "(3) through" inserted.

59. On page 377, line 44, "subsections (3) through (5) of" has been inserted before "section".

60. On page 378, lines 4 and 39, an underscored comma has been inserted after "act"; and in line 23 the new matter has been struck and "such superintendent" inserted.

61. On page 379, lines 9 and 12, "1011" has been struck and "1013" inserted; in line 11 "such sections" has been struck and "this legislative bill" inserted; and before line 18 the following new matter has been inserted:

"HARMONIZING SECTIONS".

62. On page 381, line 12, "or" has been struck and "of this act, section" inserted; and in line 47 "of this act" has been inserted after "791".

63. On page 385, line 26, the stricken "under" has been reinstated.

64. On page 406, line 17, ", 835, and 837" has been inserted after "834".

65. On page 417, line 31, "1085 to 1095" has been struck and "1086 to 1096" inserted; in line 38 "boards" has been struck and "board" inserted; and in line 44 "shall" through "be" has been struck and "include, but are not" inserted.

66. On page 418, lines 8 and 13, "Higher" has been struck and "Postsecondary" inserted; in line 17 "of" has been struck and "after" inserted; in line 28 "body" has been struck and "board" inserted; in line 33 the comma has been struck; and in lines 39 and 47 "1089" has been struck and "1090" inserted.

67. On page 419, line 8, "1091" has been struck and "1092" inserted; in line 9 "after" has been struck and "of" inserted; in line 21 "shall constitute" has been struck and "constitutes" inserted; in line 23 an underscored comma has been inserted after "Act"; and in line 24 "Act" has been inserted after "Education".

68. On page 422, line 17, "10-209," has been inserted after the first comma; and in line 18 "13-918," has been inserted after the fifth comma.

69. On page 423, line 8, ", 79-3337" has been inserted before the second "to".

(Signed) David I. Maurstad, Chairperson

ANNOUNCEMENT

Ms. Schimek designates LB 1322 as her priority bill.

BILL ON FIRST READING

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

LEGISLATIVE BILL 922A. 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 922 Ninety-fourth Legislature, Second Session, 1996.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 754:
FA428
Amend (AM2897)
P. 2, lines 25, 26, strike "and indirect"

Mr. Chambers filed the following amendment to LB 754:
FA429
Amend (AM2897)
P. 1, line 6 after first "of" insert "his or her"

Mr. Schellpeper filed the following amendment to LR 43CA:
AM3044
(Amendments to Standing Committee amendments, AM2406)
1. On page 2, line 5, strike "The" and insert "Subject to the provisions of this subsection, the"; and in line 12 after the period insert "Games of chance authorized by this subsection shall not be conducted in any county, city, or village pursuant to any legislation enacted pursuant to this subsection until the issue of permitting such games of chance has been approved by a majority of the registered voters of such county, city, or village casting ballots on the issue at a regular election or a special election called by the governing body of the county, city, or village for such purpose.".
2. On page 3, line 6, after "agriculture" insert ", and to require voter approval".

Mrs. McKenzie filed the following amendment to LB 754:
FA431
on page 3, line 7; strike "and otherwise qualified" and insert "and meets all other certification requirements"

NOTICE OF COMMITTEE HEARING
Legislative Program Evaluation

Wednesday, February 21, 1996, 8:00 a.m.
Program Evaluation Committee - Public hearing to discuss the Final Draft Report on the Public Service Commission and the commission's response to the report.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LB 1380. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 694. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jared and Sloane Matzke from Omaha; Natalya Vetrova, Viktor Nefedov, Vladimir Vedernikov, and Mikhail Kosikov from Russia; Representative Doug Bereuter; a group of

Jaycees from across Nebraska; and a group of Family and Consumer Science teachers of Nebraska.

The Doctor of the Day was Jay Matzke.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Hillman, the Legislature adjourned until 9:00 a.m., Tuesday, February 6, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY- SECOND DAY - FEBRUARY 6, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY- SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 6, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Peter MacFarlane, Castelar Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Hartnett, Kristensen, Lindsay, Preister, Warner, Wickersham, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 645. Placed on Select File as amended.
E & R amendment to LB 645:
AM7182

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 13 of this act shall be known and may be cited as the Sex Offender Registration Act.

Sec. 2. The Legislature finds that sex offenders present a high risk to commit repeat offenses. The Legislature further finds that efforts of law enforcement agencies to protect their communities, conduct investigations, and quickly apprehend sex

offenders are impaired by lack of available information about individuals who have pled guilty to or have been found guilty of sex offenses and who live in their jurisdiction. The Legislature further finds that state policy should assist efforts of local law enforcement agencies to protect their communities by requiring sex offenders to register with local law enforcement agencies as provided by the Sex Offender Registration Act.

Sec. 3. (1) The Sex Offender Registration Act shall apply to any person who on or after the operative date of this act:

(a) Pleads guilty to or is found guilty of:

(i) Kidnapping of a minor pursuant to section 28-313, except when the person is the parent of the minor and was not convicted of any other offense in this section;

(ii) False imprisonment of a minor pursuant to section 28-314 or 28-315;

(iii) Sexual assault pursuant to section 28-319 or 28-320;

(iv) Sexual assault of a child pursuant to section 28-320.01;

(v) Sexual assault of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386;

(vi) Incest of a minor pursuant to section 28-703;

(vii) Pandering of a minor pursuant to section 28-802;

(viii) Visual depiction of sexually explicit conduct of a child pursuant to section 28-1463.03 or 28-1463.05; or

(ix) Attempt, solicitation, or conspiracy to commit an offense listed in subdivisions (1)(a)(i) through (1)(a)(viii) of this section;

(b) Enters the state and has pled guilty to or has been found guilty of any offense in another state, territory, commonwealth, or other jurisdiction of the United States that is substantially equivalent to the offenses listed in subdivision (1)(a) of this section; or

(c) Is incarcerated in a jail, a penal facility, or any other public or private institution or is under probation or parole as a result of pleading guilty to or being found guilty of an offense listed in subdivision (1)(a) of this section prior to the operative date of this act.

(2) The registration requirements of the act shall not apply to any person while he or she is incarcerated in a jail, a penal facility, or any other public or private institution.

Sec. 4. (1) Any person who becomes subject to the Sex Offender Registration Act shall register with the sheriff of the county in which the person resides or is temporarily domiciled within five working days of becoming subject to the act.

(2) If there is an address change for a person required to register, the person shall inform the sheriff with whom that person last registered of the new address, in writing, within five working days of the change. The sheriff shall forward this

information to the sheriff in the new jurisdiction where the person is relocating and would be required to register within five working days of the receipt of the new address.

(3) Each sheriff shall forward all written information, photographs, and fingerprints obtained pursuant to the act to the Nebraska State Patrol within five working days. The Nebraska State Patrol shall maintain a central registry of sex offenders required to register under the act.

Sec. 5. (1) Except as provided in subsection (2) of this section, any person to whom the Sex Offender Registration Act applies shall be required to register during any period of probation or parole and shall continue to comply with the act for a period of ten years after the date of discharge from probation, of parole, or of release from incarceration, whichever date is most recent.

(2)(a) When sentencing a person for an offense listed in subdivision (1)(a) of section 3 of this act, a court may also determine if the person is a sexually violent offender. When making its determination the court shall consider evidence from experts in the field of the behavior and treatment of sexual offenders.

(b) If the sentencing court determines that a person is a sexually violent offender, the person shall be required to register under the Sex Offender Registration Act until the sentencing court determines that the person no longer suffers from a mental abnormality or personality disorder that makes the person likely to engage in a sexually violent offense. Such determination shall not be made until ten years after the date of discharge from probation, of parole, or of release from incarceration, whichever date is most recent.

(c) In addition to complying with the annual verification requirements in section 6 of this act, a person determined to be a sexually violent offender shall verify the registration information every three months after the initial registration date.

(d) For purposes of this section:

(i) Mental abnormality means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of a criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons; and

(ii) Sexually violent offender means a person who has been convicted of one or more offenses listed in subdivision (1)(a) of section 3 of this act and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at a stranger, or at a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

Sec. 6. (1) Registration information required by the Sex Offender Registration Act shall be in a form approved by the

Nebraska State Patrol and and shall include the following information:

(a) The name and all aliases which the person has used or under which the person has been known;

(b) A complete description of the person, including date of birth, social security number, photographs, and fingerprints;

(c) A listing of each offense listed in section 3 of this act to which the person pled guilty or was found guilty, the jurisdiction where each offense was committed, the court in which the person pled guilty or was found guilty of each offense, and the name under which the person pled guilty or was found guilty of each offense;

(d) The name and location of each jail, penal facility, or public or private institution to which the person was incarcerated for each offense and the actual time served or confined; and

(e) The address of the person's current residence and place of employment.

(2) For the duration of the registration period required by the act, registration information shall be verified annually within thirty days after the anniversary date of the person's initial registration date. To properly verify, the following shall occur:

(a) The Nebraska State Patrol shall mail a nonforwardable verification form to the last-reported address of the person;

(b) The verification form shall be signed by the person and state whether the person still resides at the address last reported to the patrol; and

(c) The person shall mail the verification form to the patrol within ten days after receipt of the form.

(3) If the person fails to complete and mail the verification form to the patrol within ten days after receipt of the form, the person shall be in violation of this section unless the person proves that he or she has not changed his or her residence address.

(4) If the person falsifies the registration or verification form, the person shall be in violation of this section.

Sec. 7. (1) The court shall provide written notification of the duty to register at the time of sentencing to any defendant who has pled guilty or has been found guilty of an offense listed in subdivision (1)(a) of section 3 of this act. The written notification shall be signed by the defendant and retained by the court. A copy of the notification shall be provided to the county attorney and the defendant.

(2) The Department of Correctional Services shall provide written notification of the duty to register pursuant to the Sex Offender Registration Act to any person committed to its custody for an offense listed in subdivision (1)(a) of section 3 of this

act prior to the person's release from incarceration. The written notification shall be signed by the person and retained by the department. A copy of the notification shall be provided to the person.

(3) The sheriff of each county shall cause written notification of the duty to register to be provided to any person who enters this state from another jurisdiction and makes application for a motor vehicle operator's license. The written notification shall be signed by the person and retained by the sheriff's office. A copy of the notification shall be provided to the person.

(4) All written notification as provided in this section shall be on a form prepared by the Attorney General.

Sec. 8. No person subject to the Sex Offender Registration Act shall knowingly and willfully furnish any false or misleading information in the registration.

Sec. 9. Access to information obtained under the Sex Offender Registration Act shall be restricted and provided only to law enforcement agencies or their authorized representatives pursuant to rules and regulations adopted by the Nebraska State Patrol in consultation with the Attorney General.

Sec. 10. (1) Any person having a duty to register under the Sex Offender Registration Act may file a petition with the district court for an order to expunge the information.

(2) The petition shall be filed in the district court of the county in which the petitioner was convicted of an offense listed in section 3 of this act. If the petitioner was convicted in another state, the petition shall be filed in the district court of the county in which the petitioner resides. The county attorney shall be named as the respondent and shall be served with a copy of the petition.

(3) The court may grant the petition and issue an order to expunge the information if the petitioner shows by clear and convincing evidence that the (a) petitioner's duty to register has expired, (b) petitioner does not have a criminal charge pending and is not under criminal investigation for an offense listed in section 3 of this act, and (c) petitioner is not a substantial risk to commit another offense listed in section 3 of this act.

Sec. 11. Any person required to register under the Sex Offender Registration Act who violates the act is guilty of a Class IV felony.

Sec. 12. Law enforcement officials, their employees, and state officials shall be immune from liability for good faith conduct under the Sex Offender Registration Act.

Sec. 13. The Attorney General and the Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the Sex Offender Registration Act.

Sec. 14. This act becomes operative on January 1, 1997.".

LEGISLATIVE BILL 1141A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

ANNOUNCEMENT

Mr. Chambers designates LB 901 as his priority bill.

GENERAL FILE

LEGISLATIVE RESOLUTION 43CA. Mr. Lynch withdrew his amendment, found in the Journal on page 665, to the bracket motion.

Mr. Chambers renewed his pending motion, found in the Journal on page 665, to bracket LR 43CA until June 1, 1996.

Messrs. Elmer, Kristensen, Landis, Wehrbein, Hilgert, Pedersen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN 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 28 ayes, 6 nays, and 15 not voting.

Mr. Dierks requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 22:

Avery	Crosby	Jones	Preister	Vrtiska
Brashear	Cudaback	Landis	Robinson	Warner
Bromm	Dierks	Matzke	Schimek	Wesely
Brown	Engel	Pirsch	Stuhr	Witek
Coordsen	Jensen			

Voting in the negative, 17:

Bernard-Stevens	Fisher	Janssen	Robak	Schrock
	Hartnett	Lindsay	Schellpeper	Wickersham
Beutler	Hilgert	Lynch	Schmitt	Will
Chambers	Hudkins	McKenzie		

Present and not voting, 4:

Bohlke	Hillman	Klein	Maurstad

Excused and not voting, 6:

Abboud	Kristensen	Pedersen	Wehrbein	Withem
Elmer				

The motion to cease debate lost with 22 ayes, 17 nays, 4 present and not voting, and 6 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.

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 19 ayes, 2 nays, and 28 not voting.

Mr. Robinson requested a roll call vote on the motion to cease debate.

Mr. Bromm requested the roll call vote be taken in reverse order.

Voting in the affirmative, 31:

Abboud	Crosby	Hudkins	Pirsch	Stuhr
Beutler	Cudaback	Jensen	Preister	Vrtiska
Bohlke	Dierks	Jones	Robinson	Warner
Brashear	Engel	Landis	Schimek	Wehrbein
Bromm	Hartnett	Lindsay	Schmitt	Wesely
Brown	Hillman	Matzke	Schrock	Witek
Coordsen				

Voting in the negative, 10:

Bernard-Stevens	Fisher	Janssen	Robak	Wickersham
Chambers	Hilgert	Pedersen	Schellpeper	Will

Present and not voting, 4:

Avery	Klein	Maurstad	McKenzie

Excused and not voting, 4:

Elmer	Kristensen	Lynch	Withem

The motion to cease debate prevailed with 31 ayes, 10 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Jensen requested a roll call vote on the Chambers motion to bracket.

Voting in the affirmative, 36:

Abboud	Brown	Jensen	McKenzie	Schrock
Avery	Chambers	Jones	Pedersen	Stuhr
Bernard-Stevens	Crosby	Klein	Pirsch	Vrtiska
	Dierks	Landis	Preister	Warner
Beutler	Engel	Lindsay	Robinson	Wehrbein
Bohlke	Hartnett	Matzke	Schimek	Wesely
Brashear	Hillman	Maurstad	Schmitt	Witek
Bromm	Hudkins			

Voting in the negative, 9:

Coordsen	Fisher	Janssen	Schellpeper	Will
Cudaback	Hilgert	Robak	Wickersham	

Excused and not voting, 4:

Elmer	Kristensen	Lynch	Withem

The Chambers motion to bracket prevailed with 36 ayes, 9 nays, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1113. Placed on General File.

LEGISLATIVE BILL 1078. Placed on General File as amended.
Standing Committee amendment to LB 1078:
AM3042

1. On page 2, line 2, after "Aging" insert "and the Department of Health"; in line 5 after the period insert "The Department of Social Services shall develop the plan with the assistance of providers of long-term care services and consumers or advocates for consumers of long-term care services."; in line 7 strike "the plan" and insert "a managed care system for long-term care services"; and in line 8 strike "1997" and insert "1998".

(Signed) Don Wesely, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1233. Placed on General File.
LEGISLATIVE BILL 1274. Placed on General File.

LEGISLATIVE BILL 415. Placed on General File as amended.
(Standing Committee amendment, AM3023, 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 1258. Placed on General File as amended.
Standing Committee amendment to LB 1258:
AM3055
1. On page 2, line 10, after "on" insert "or after".

(Signed) David Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 1167. Placed on General File.
LEGISLATIVE BILL 1212. Placed on General File.

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 1296. Placed on General File.

LEGISLATIVE BILL 1055. Placed on General File as amended.
Standing Committee amendment to LB 1055:
AM3034
1. Strike original sections 6 to 9.
2. On page 2, line 4, strike "9" and insert "5".
3. On page 5, lines 6 and 17, strike "and retirees"; and in line 19 strike "or retiree".
4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1249. Placed on General File as amended.
Standing Committee amendment to LB 1249:
AM3037
1. On page 2, strike beginning with "The" in line 5 through line 10; and strike beginning with "The" in line 16 through the underscored period in line 22.

LEGISLATIVE BILL 1282. Placed on General File as amended.
Standing Committee amendment to LB 1282:
AM2982
1. On page 3, line 20, strike "shall" and insert "may, after providing notice to the mother and a hearing,".

LEGISLATIVE BILL 1125. Indefinitely postponed.

LEGISLATIVE BILL 1168. Indefinitely postponed.
LEGISLATIVE BILL 1209. Indefinitely postponed.
LEGISLATIVE BILL 1220. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Business and Labor

LEGISLATIVE BILL 810. Placed on General File.
LEGISLATIVE BILL 1130. Placed on General File.

LEGISLATIVE BILL 1129. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 945	Thursday, February 15, 1996	2:30 p.m.
LB 1332	Thursday, February 15, 1996	2:30 p.m.
LB 1204	Thursday, February 15, 1996	2:30 p.m.
LB 1261	Thursday, February 15, 1996	2:30 p.m.
LR 300CA	Thursday, February 15, 1996	2:30 p.m.
LB 1262	Thursday, February 15, 1996	2:30 p.m.
LB 1381	Wednesday, February 21, 1996	2:30 p.m.
LR 284CA	Wednesday, February 21, 1996	2:30 p.m.
LR 285CA	Wednesday, February 21, 1996	2:30 p.m.
LR 286CA	Wednesday, February 21, 1996	2:30 p.m.
LB 1025	Thursday, February 22, 1996	2:30 p.m.
LB 1106	Thursday, February 22, 1996	2:30 p.m.
LB 1068	Thursday, February 22, 1996	2:30 p.m.
LB 1324	Thursday, February 22, 1996	2:30 p.m.
LB 1098	Friday, February 23, 1996	2:30 p.m.
LR 311CA	Friday, February 23, 1996	2:30 p.m.
LB 1374	Friday, February 23, 1996	2:30 p.m.
LB 1294	Wednesday, February 28, 1996	3:00 p.m.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 1236. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 1322. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 496A. 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 496, Ninety-fourth Legislature, Second Session, 1996.

VISITORS

Visitors to the Chamber were Harold Schuessler from Cheyenne County; and two students and teacher from Chadron State College.

The Doctor of the Day was Michelle Manning from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Klein, the Legislature adjourned until 9:00 a.m., Wednesday, February 7, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-THIRD DAY - FEBRUARY 7, 1996

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Dr. Robert Chitwood, Executive Director, Eastmont Towers and Pastor at Christian Church, Talmage, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Wesely and Withem who were excused; and Messrs. Abboud, Bernard-Stevens, Chambers, Cudaback, Landis, Warner, Will, Mmes. Brown, McKenzie, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 694A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1995, LB 389, section 120, and Laws 1995, LB 392, sections 174, 217, and 249; to appropriate funds to aid in carrying out the provisions of Legislative Bill 694, Ninety-fourth Legislature, Second Session, 1996; to change appropriations; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LR 277CA	Wednesday, February 14, 1996	1:30 p.m.
LR 281CA	Wednesday, February 14, 1996	1:30 p.m.
LR 294CA	Wednesday, February 14, 1996	1:30 p.m.
LR 295CA	Wednesday, February 14, 1996	1:30 p.m.
LR 307CA	Wednesday, February 14, 1996	1:30 p.m.
LR 308CA	Wednesday, February 14, 1996	1:30 p.m.
LR 309CA	Wednesday, February 14, 1996	1:30 p.m.
LB 1263	Thursday, February 15, 1996	1:30 p.m.
LB 1331	Thursday, February 15, 1996	1:30 p.m.
LB 1351	Thursday, February 15, 1996	1:30 p.m.
LB 1243	Thursday, February 15, 1996	1:30 p.m.
LB 1266	Wednesday, February 21, 1996	1:30 p.m.
LB 1323	Wednesday, February 21, 1996	1:30 p.m.
LB 1287	Wednesday, February 21, 1996	1:30 p.m.
LB 1377	Wednesday, February 21, 1996	1:30 p.m.
LR 302CA	Wednesday, February 21, 1996	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1164. Placed on General File as amended.
Standing Committee amendment to LB 1164:
AM3038
1. On page 2, line 2, after "credit" insert "and charge".

(Signed) C. N. "Bud" Robinson, Chairperson

MRS. CROSBY PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 469.

A BILL FOR AN ACT relating to public meetings; to amend sections 19-4610, 19-4615, 19-4616, 19-4622, and 84-1411, Reissue Revised Statutes of Nebraska, and section 19-4618, Revised Statutes Supplement, 1994; to change provisions relating to rate filings and hearings under the Municipal Natural Gas Regulation Act; to provide for videoconferencing of meetings of certain 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, 35:

Avery	Dierks	Janssen	Matzke	Schmitt
Beutler	Elmer	Jensen	Maurstad	Schrock
Bohlke	Engel	Jones	Pedersen	Stuhr
Brashear	Hartnett	Klein	Preister	Vrtiska
Bromm	Hilgert	Kristensen	Robak	Wehrbein
Coordsen	Hillman	Lindsay	Robinson	Wickersham
Crosby	Hudkins	Lynch	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 2:

Fisher Schimek

Excused and not voting, 12:

Abboud	Brown	Landis	Warner	Will
Bernard-Stevens	Chambers	McKenzie	Wesely	Withem
	Cudaback	Pirsch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 584 to Select File

Mr. Coordsen moved to return LB 584 to Select File for the following specific amendment:
FA432
Strike lines 7 through 13 Page 26, Final Reading Copy LB584

Messrs. Brashear, Hilgert, Warner, and Wehrbein 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?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Coordsen motion to return prevailed with 30 ayes, 7 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Vrtiska and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 584. The Coordsen specific amendment, FA432, found in this day's Journal, was adopted with 25 ayes, 10 nays, 6 present and not voting, and 8 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 890.

A BILL FOR AN ACT relating to resources; to repeal provisions that terminated April 1, 1994, and provisions relating to a report due by December 31, 1988; and to outright repeal sections 46-242.01, 46-242.02, 70-906, and 70-907, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud	Dierks	Jensen	Matzke	Schellpeper
Avery	Elmer	Jones	Maurstad	Schimek
Beutler	Engel	Klein	McKenzie	Schmitt
Bohlke	Fisher	Kristensen	Pedersen	Schrock
Brashear	Hartnett	Landis	Pirsch	Stuhr
Bromm	Hilgert	Lindsay	Preister	Wickersham
Crosby	Hudkins	Lynch	Robak	Witek
Cudaback	Janssen			

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens	Coordsen	Hillman	Robinson

Excused and not voting, 8:

Brown	Vrtiska	Wehrbein	Will	Withem
Chambers	Warner	Wesely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 891.

A BILL FOR AN ACT relating to revenue and taxation; to repeal provisions that terminated July 31, 1995; and to outright repeal sections 77-4701 to 77-4706, Revised Statutes Supplement, 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	Crosby	Hudkins	Lynch	Robinson
Avery	Dierks	Janssen	Matzke	Schellpeper
Bernard-Stevens	Elmer	Jensen	Maurstad	Schimek
	Engel	Jones	McKenzie	Schmitt
Beutler	Fisher	Klein	Pedersen	Schrock
Bohlke	Hartnett	Kristensen	Pirsch	Stuhr
Brashear	Hilgert	Landis	Preister	Wickersham
Bromm	Hillman	Lindsay	Robak	

Voting in the negative, 0.

Present and not voting, 3:

Coordsen	Cudaback	Witek

Excused and not voting, 8:

Brown	Vrtiska	Wehrbein	Will	Withem
Chambers	Warner	Wesely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 892.

A BILL FOR AN ACT relating to the Governor's Roundtable; to amend section 68-1708, Revised Statutes Supplement, 1995; to repeal provisions that terminated July 1, 1995; to harmonize provisions; to repeal the original section; and to outright repeal sections 68-1701 and 68-1703 to 68-1707, Revised Statutes Supplement, 1994, and section 68-1702, Revised Statutes Supplement, 1995.

Whereupon the 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	Hudkins	Lynch	Robinson
Avery	Cudaback	Janssen	Matzke	Schellpeper
Bernard-Stevens	Dierks	Jensen	Maurstad	Schimek
Beutler	Elmer	Jones	McKenzie	Schmitt
Bohlke	Engel	Klein	Pedersen	Schrock
Brashear	Hartnett	Kristensen	Pirsch	Stuhr
Bromm	Hilgert	Landis	Preister	Wickersham
Coordsen	Hillman	Lindsay	Robak	Witek

Voting in the negative, 0.

Present and not voting, 1:

Fisher

Excused and not voting, 8:

Brown	Vrtiska	Wehrbein	Will	Withem
Chambers	Warner	Wesely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 893.

A BILL FOR AN ACT relating to schools; to amend section 79-4,196, Revised Statutes Supplement, 1995; 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, 39:

Abboud	Coordsen	Hillman	Lindsay	Robinson
Avery	Crosby	Hudkins	Lynch	Schellpeper
Bernard-Stevens	Dierks	Janssen	Matzke	Schimek
Beutler	Elmer	Jensen	Maurstad	Schmitt
Bohlke	Engel	Jones	Pedersen	Schrock
Brashear	Fisher	Klein	Pirsch	Stuhr
Bromm	Hartnett	Kristensen	Preister	Wickersham
	Hilgert	Landis	Robak	Witek

Voting in the negative, 0.

Present and not voting, 2:

Cudaback McKenzie

Excused and not voting, 8:

Brown	Vrtiska	Wehrbein	Will	Withem
Chambers	Warner	Wesely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 894.

A BILL FOR AN ACT relating to devises; to amend section 30-241, Reissue Revised Statutes of Nebraska; 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, 40:

Abboud	Coordsen	Hilgert	Lindsay	Robak
Avery	Crosby	Hillman	Lynch	Robinson
Bernard-Stevens	Cudaback	Hudkins	Matzke	Schellpeper
Beutler	Dierks	Janssen	Maurstad	Schimek
Bohlke	Elmer	Jones	McKenzie	Schmitt
Brashear	Engel	Klein	Pedersen	Schrock
Bromm	Fisher	Kristensen	Pirsch	Stuhr
Brown	Hartnett	Landis	Preister	Witek

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 8:

Chambers	Vrtiska	Wehrbein	Will	Withem
Jensen	Warner	Wesely		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Engel and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 895.

A BILL FOR AN ACT relating to the Secretary of State; to amend section 84-502, Reissue Revised Statutes of Nebraska; to harmonize provisions relating to printing and distribution of the laws and journals; 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	Brown	Hilgert	Lynch	Robinson
Avery	Coordsen	Hudkins	Matzke	Schellpeper
Bernard-Stevens	Crosby	Janssen	Maurstad	Schimek
	Cudaback	Jones	McKenzie	Schmitt
Beutler	Dierks	Klein	Pedersen	Schrock
Bohlke	Elmer	Kristensen	Pirsch	Stuhr
Brashear	Fisher	Landis	Preister	Wickersham
Bromm	Hartnett	Lindsay	Robak	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Chambers	Hillman	Vrtiska	Wehrbein	Will
Engel	Jensen	Warner	Wesely	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 896.

A BILL FOR AN ACT relating to education; to repeal a provision requiring a report on or before January 15, 1993; and to outright repeal section 79-445.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Brown	Hilgert	Lynch	Schellpeper
Avery	Coordsen	Hudkins	Matzke	Schimek
Bernard-Stevens	Crosby	Janssen	Maurstad	Schmitt
Beutler	Cudaback	Jones	McKenzie	Schrock
Bohlke	Dierks	Klein	Pedersen	Stuhr
Brashear	Elmer	Kristensen	Pirsch	Wickersham
Bromm	Fisher	Landis	Preister	Witek
	Hartnett	Lindsay	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 10:

Chambers	Hillman	Vrtiska	Wehrbein	Will
Engel	Jensen	Warner	Wesely	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 897.

A BILL FOR AN ACT relating to crimes and offenses; to eliminate provisions relating to a terminated task force; and to outright repeal section 28-1501, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud	Brown	Hilgert	Lynch	Schellpeper
Avery	Coordsen	Hudkins	Matzke	Schimek
Bernard-Stevens	Crosby	Janssen	Maurstad	Schmitt
Beutler	Cudaback	Jones	McKenzie	Schrock
Bohlke	Dierks	Klein	Pedersen	Stuhr
Brashear	Elmer	Kristensen	Pirsch	Wickersham
Bromm	Fisher	Landis	Preister	Witek
	Hartnett	Lindsay	Robinson	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 10:

Chambers	Hillman	Vrtiska	Wehrbein	Will
Engel	Jensen	Warner	Wesely	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 898.

A BILL FOR AN ACT relating to health care providers; to amend sections 23-3586, 23-3594, 71-7601, 71-7602, 77-2715.07, and 77-2734.03, Revised Statutes Supplement, 1994; to repeal provisions that terminated July 1, 1995; to repeal a tax imposed for calendar years 1993 and 1994; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3594.01 to 23-3594.09, 77-2727.01, and 77-4801 to 77-4807, Revised Statutes Supplement, 1994, and section 23-3586.01, Revised Statutes Supplement, 1995.

Whereupon the 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	Brown	Hilgert	Lynch	Robinson
Avery	Coordsen	Hudkins	Matzke	Schellpeper
Bernard-Stevens	Crosby	Janssen	Maurstad	Schimek
	Cudaback	Jones	McKenzie	Schmitt
Beutler	Dierks	Klein	Pedersen	Schrock
Bohlke	Elmer	Kristensen	Pirsch	Stuhr
Brashear	Fisher	Landis	Preister	Wickersham
Bromm	Hartnett	Lindsay	Robak	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Chambers	Hillman	Vrtiska	Wehrbein	Will
Engel	Jensen	Warner	Wesely	Withem

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 crimes and offenses; to amend section 28-619, Reissue Revised Statutes of Nebraska; to correct an internal inconsistency; 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	Brown	Hilgert	Lynch	Robinson
Avery	Coordsen	Hudkins	Matzke	Schellpeper
Bernard-Stevens	Crosby	Janssen	Maurstad	Schimek
	Cudaback	Jones	McKenzie	Schmitt
Beutler	Dierks	Klein	Pedersen	Schrock
Bohlke	Elmer	Kristensen	Pirsch	Stuhr
Brashear	Fisher	Landis	Preister	Wickersham
Bromm	Hartnett	Lindsay	Robak	Witek

Voting in the negative, 0.

Excused and not voting, 10:

Chambers	Hillman	Vrtiska	Wehrbein	Will
Engel	Jensen	Warner	Wesely	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 700A. E & R amendment, AM7179, found in the Journal on page 634, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256. E & R amendment, AM7180, found in the Journal on page 652, was adopted.

Mrs. Hudkins offered the following amendment:
AM2983

(Amendments to E & R amendments, AM7180)

1. On page 1, line 23, strike "six" and insert "three".

2. On page 2, strike beginning with "The" in line 4 through "state" in line 5 and insert "The cost of maintenance and care of the accused shall be paid in the same manner as provided in section 83-376 for patient care, except that the county in which the crime is charged shall be responsible for the county share of costs not paid by the accused or his or her relatives. Within

fourteen days after the filing of a report by a physician, psychiatrist, or psychologist attending the accused that the disability has been removed and the accused is competent to stand trial, the sheriff of the county where the accused is to be tried shall arrange for and transport the accused to the appropriate correctional facility, jail, or penal complex.".

The Hudkins amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
AM3073

(Amendments to E & R amendments, AM7180)

1. Insert the following new section:

"Sec. 2. Section 83-376, Reissue Revised Statutes of Nebraska, is amended to read:

83-376. When the full cost determined to be necessary for the care, support, maintenance, and treatment of any patient is not paid by the patient or his or her relatives within thirty days of receipt of such care, (1) the county in which the patient resides shall pay (a) the first fifteen ~~dollars per day~~ percent of the unpaid cost for each of the first thirty days at the Hastings Regional Center, the Lincoln Regional Center, the Norfolk Regional Center, or the University of Nebraska Medical Center, (b) the first ten ~~dollars per day~~ percent of the unpaid cost for each of the first thirty days at the Beatrice State Developmental Center, and (c) the first three ~~dollars per day~~ percent of the unpaid costs for each day after the first thirty days at any such institution, (2) the balance of the unpaid cost shall be borne by the state, and (3) the county in which the patient resides shall be credited by the Director of Public Institutions for amounts collected from such patient or his or her relatives in excess of the portion of such costs borne by the state.".

2. On page 2, line 12, strike "section 29-1823" and insert "sections 29-1823 and 83-376"; and in line 13 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

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

Mr. Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256A. Mrs. Hudkins asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 939. E & R amendment, AM7181, found in the Journal on page 653, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1141. Mrs. Witek offered the following amendment:
AM3072

1. On page 2, line 24, strike "and" and show as stricken; and in line 26 after "system" insert ";
(10) Report to the Legislature the annual costs of all services provided, including, but not limited to, itemized costs for new employees and contracted services, costs per juvenile served, and annual growth figures for each program; and
(11) Recommend to the Legislature cost-saving measures to keep annual growth of all services in line with the rate of growth of the Consumer Price Index as determined by the United States Department of Labor, Bureau of Labor Statistics".

Messrs. Abboud, Elmer, Lynch, Schellpeper, Jones, and Mrs. Brown asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?"

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Mrs. Witek requested the roll call vote be taken in reverse order.

Voting in the affirmative, 29:

Bernard-Stevens	Crosby	Hillman	Lindsay	Robinson
Beutler	Cudaback	Hudkins	Matzke	Schimek
Bohlke	Engel	Janssen	McKenzie	Schmitt
Brashear	Fisher	Klein	Pedersen	Schrock
Coordsen	Hartnett	Kristensen	Preister	Stuhr
	Hilgert	Landis	Robak	Wickersham

Voting in the negative, 3:

Jensen	Pirsch	Witek

Present and not voting, 4:

Avery	Bromm	Chambers	Maurstad

Excused and not voting, 13:

Abboud	Elmer	Schellpeper	Wehrbein	Will
Brown	Jones	Vrtiska	Wesely	Withem
Dierks	Lynch	Warner		

The motion to cease debate prevailed with 29 ayes, 3 nays, 4 present and not voting, and 13 excused and not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 10:

Bromm	Engel	Pedersen	Schmitt	Stuhr
Coordsen	Jensen	Pirsch	Schrock	Witek

Voting in the negative, 22:

Bernard-Stevens	Chambers	Hudkins	Lindsay	Robak
	Crosby	Janssen	Matzke	Robinson
Beutler	Fisher	Klein	McKenzie	Schimek
Bohlke	Hartnett	Kristensen	Preister	Wickersham
Brashear	Hilgert	Landis		

Present and not voting, 4:

Avery	Cudaback	Hillman	Maurstad

Excused and not voting, 13:

Abboud	Elmer	Schellpeper	Wehrbein	Will
Brown	Jones	Vrtiska	Wesely	Withem
Dierks	Lynch	Warner		

The Witek amendment lost with 10 ayes, 22 nays, 4 present and not voting, and 13 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1322. Placed on General File as amended.
Standing Committee amendment to LB 1322:
AM3046

1. Strike original section 11.
2. On page 6, strike beginning with "the" in line 24
3. through line 28 and insert "factors influencing the cost of housing

construction, including, but not limited to:

(a) State and local statutes, rules, regulations, and codes governing the construction of housing;

(b) Planning and zoning processes which influence the timing and cost of housing construction;

(c) Local regulations influencing land and infrastructure development related to housing;

(d) Alternative state and local incentives for the encouragement of housing development;

(e) Licensing and inspection requirements of state and local governments to determine duplicative or cumbersome processes or practices;

(f) Whether a fiscal estimate should be required for building code revisions, land use ordinances, or construction and design standard change proposals of state or local governments; and

(g) Whether special assessments should be allocated over a longer period of time.

(2) By December 15, 1996, the task force shall transmit to the Legislature and the Governor a report on its findings and recommendations, including at least:

(a) Model local infrastructure guidelines related to housing construction;

(b) State and local incentives for housing development;

(c) Model planning and zoning processes which avoid housing development delays;

(d) Model local building codes for affordable housing; and

(e) Other recommendations for facilitating the construction of housing, including the items listed in subdivisions (1)(e), (f), and (g) of this section.".

3. On page 7, strike lines 1 through 11.

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 1090. Placed on General File.
LEGISLATIVE BILL 1276. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1185. Placed on General File.
LEGISLATIVE BILL 1268. Placed on General File.

(Signed) David Landis, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1273. Placed on General File.

(Signed) Bob Wickersham, Chairperson

Health and Human Services

LEGISLATIVE BILL 55. Indefinitely postponed.
LEGISLATIVE BILL 63. Indefinitely postponed.
LEGISLATIVE BILL 203. Indefinitely postponed.
LEGISLATIVE BILL 206. Indefinitely postponed.
LEGISLATIVE BILL 224. Indefinitely postponed.
LEGISLATIVE BILL 440. Indefinitely postponed.
LEGISLATIVE BILL 495. Indefinitely postponed.
LEGISLATIVE BILL 558. Indefinitely postponed.
LEGISLATIVE BILL 578. Indefinitely postponed.
LEGISLATIVE BILL 619. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 749. Indefinitely postponed.
LEGISLATIVE BILL 763. Indefinitely postponed.
LEGISLATIVE BILL 777. Indefinitely postponed.
LEGISLATIVE BILL 843. Indefinitely postponed.
LEGISLATIVE BILL 849. Indefinitely postponed.
LEGISLATIVE BILL 852. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 1353	Wednesday, February 14, 1996	1:30 p.m.
LB 1383	Wednesday, February 14, 1996	1:30 p.m.
LB 1387	Wednesday, February 14, 1996	1:30 p.m.
LB 1292	Thursday, February 15, 1996	1:30 p.m.
LB 1386	Thursday, February 15, 1996	1:30 p.m.
LR 313	Thursday, February 15, 1996	1:30 p.m.

Governor Appointments Thursday, February 15, 1996 1:30 p.m.
Nebraska Ethanol Board
Debra J. Hansen
Dan J. Hughes

Central Interstate Low-Level Radioactive Waste Commission
F. Gregory Hayden

Oil and Gas Conservation Commission
Ervain J. Friehe

(Signed) Chris Beutler, Chairperson

Judiciary

LB 1283	Wednesday, February 14, 1996	1:30 p.m.
LB 1285	Wednesday, February 14, 1996	1:30 p.m.
LB 1298	Wednesday, February 14, 1996	1:30 p.m.
LB 1346	Wednesday, February 14, 1996	1:30 p.m.
LB 1348	Wednesday, February 14, 1996	1:30 p.m.
LB 963	Thursday, February 15, 1996	1:30 p.m.
LB 976	Thursday, February 15, 1996	1:30 p.m.
LB 990	Thursday, February 15, 1996	1:30 p.m.
LB 1009	Thursday, February 15, 1996	1:30 p.m.
LB 1136	Thursday, February 15, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 901. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1138A. 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 1138, Ninety-fourth Legislature, Second Session, 1996; to state intent; and to declare an emergency.

MOTION - Adjournment

Mrs. Witek moved to adjourn until 9:00 a.m., Thursday, February 8, 1996. The motion lost with 13 ayes, 17 nays, 6 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1141. Considered.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were twelve students and teachers from O'Neill Public Schools; and Senator McKenzie's son, Nathan, and her parents, Rolland and Lorene Johnson from Sutton.

The Doctor of the Day was Jeff Johnson from Lincoln.

ADJOURNMENT

At 12:18 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-FOURTH DAY - FEBRUARY 8, 1996

LEGISLATIVE JOURNAL

TWENTY-FOURTH DAY - FEBRUARY 8, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 8, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Bill Finlaw, Palmyra and Cheney United Methodist Churches and Chaplain at Nebraska Wesleyan.

ROLL CALL

The roll was called and all members were present except Messrs. Janssen, Wesely, and Withem who were excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Chambers, Elmer, Kristensen, Lindsay, Lynch, Matzke, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

STANDING COMMITTEE REPORT
Revenue

The Committee on Revenue desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Tax Equalization and Review Commission
Mark P. Reynolds
Janet L. Edwards
Robert L. Hanns

VOTE: Aye: Senators Coordsen, Hartnett, Kristensen, Landis, Schellpeper, Warner, Wickersham, and Will. Nay: None. Absent: None.

(Signed) Jerome Warner, Chairperson

ANNOUNCEMENT

Mrs. Pirsch designates LB 1375 as her priority bill.

AMENDMENT - Print in Journal

Mrs. Witek filed the following amendment to LB 1141:
FA433

On page 2, line 24, strike "and" and show as stricken; and in line 26 after "system" insert "; (10) Recommend cost-saving measures"

GENERAL FILE

LEGISLATIVE BILL 43. Title read. Considered.

Standing Committee amendment, AM0064, found in the Journal on page 622, First Session, 1995, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Kristensen withdrew his amendment, AM0742, found in the Journal on page 1109, First Session, 1995.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 469, 890, 891, 892, 893, 894, 895, 896, 897, 898, and 899.

GENERAL FILE

LEGISLATIVE BILL 532. Title read. Considered.

Standing Committee amendment, AM2766, found in the Journal on page 428, 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 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 969. 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 974. 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 966. 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 689. 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.

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

LEGISLATIVE BILL 464. Title read. Considered.

Standing Committee amendment, AM2731, found in the Journal on page 478, 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 1036. Title read. Considered.

Standing Committee amendment, AM2773, found in the Journal on page 528, 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, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 934. 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 984. Title read. Considered.

Mr. Wickersham offered the following amendment:
AM3091
1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

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 review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Avery and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1038. 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 1039. 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 1040. Title read. Considered.

Standing Committee amendment, AM2808, found in the Journal on page 530 was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1041. Title read. Considered.

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

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 921. Title read. Considered.

Standing Committee amendment, AM2827, found in the Journal on page 533, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1122. Title read. Considered.

Standing Committee amendment, AM2792, found in the Journal on page 533, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
FA434
Add new section 3 & 4
Sec. 3. This bill shall be operative for all applications and affidavits filed for 1996 taxes.
Sec. 4 Since an emergency exists, this act takes effect when passed and approved according to law.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1121. Title read. Considered.

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

Mr. Warner offered the following amendment:
AM2981
1. On page 21, line 12, strike "at an ethanol facility", show as stricken, and insert "and not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the sixty-month period defined in the contract entered into by the ethanol facility and the Department of Revenue".

The Warner amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Klein asked unanimous consent to be excused until he returns. 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.

LEGISLATIVE BILL 1007. 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 962. Title read. Considered.

Standing Committee amendment, AM2839, found in the Journal on page 542, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1108. Title read. Considered.

Mr. Hartnett 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 967. Title read. Considered.

Standing Committee amendment, AM2783, found in the Journal on page 552, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

MRS. CROSBY PRESIDING

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1072. Title read. Considered.

Mr. Bromm and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 938. 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 1073. Title read. Considered.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 905. Title read. Considered.

Messrs. Schmitt, Lynch, and Elmer asked unanimous consent to be excused. 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.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 906. Title read. Considered.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen offered the following amendment:
AM3093

1. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 49-617, Revised Statutes Supplement, 1995, is amended to read:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the Supreme Court. These copies shall be held and disposed of by the court as follows: Sixty copies to the State Library to exchange for statutes of other states; five copies to the State Library to keep for daily use; not to exceed twenty-five copies to the Legislative Council for bill drafting and related services to the Legislature and executive state officers; as many copies to the Attorney General as he or she has attorneys on his or her staff; up to sixteen copies to the State Court Administrator; twelve copies to the Tax Commissioner; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Legislature for use in his or her office and three copies to be maintained in the legislative chamber, one copy on each side of the chamber and one copy at the desk of the Clerk of the Legislature, under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each judge of the Supreme Court, each judge of the Court of Appeals, the Clerk of the Supreme Court, the Reporter of the Supreme Court and Court of Appeals, the Auditor of Public Accounts, the Commissioner of Labor, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, each Indian tribal court located in the State of Nebraska, the library of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of

Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Director of Economic Development, the director of the Public Employees Retirement Board, the Director of Health, the Director-State Engineer, the Director of Banking and Finance, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Social Services, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workers' Compensation Court, each judge of the Commission of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the Tax Equalization and Review Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Surveyor, the Nebraska State Patrol, the materiel division of the Department of Administrative Services, the personnel division of the Department of Administrative Services, the Nebraska Motor Vehicle Industry Licensing Board, the Board of Trustees of the Nebraska State Colleges, each of the Nebraska state colleges, each district judge of the State of Nebraska, each judge of the county court, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, the clerk of the Nebraska Workers' Compensation Court, each clerk of the county court, each county attorney, each county public defender, each county law library, and the inmate library at all state penal and correctional institutions, and each member of the Legislature shall be entitled to two complete sets, and two complete sets of such volumes as are necessary to update previously issued volumes, but each member of the Legislature and each judge of any court referred to in this section shall be entitled, on request, to an additional complete set. Copies of the statutes distributed without charge, as listed in this section, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 3. Original sections 49-506 and 49-617, Revised Statutes Supplement, 1995, are repealed.".

2. On page 3, lines 2 and 19, after the comma insert "the Tax Equalization and Review Commission,".

The Kristensen amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 584.

(Signed) David I. Maurstad, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1060A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1060, Ninety-fourth Legislature, Second Session, 1996.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 8, 1996, at 10:00 a.m., were the following bills: 469, 890, 891, 892, 893, 894, 895, 896, 897, 898, and 899.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 978. Placed on General File as amended.
Standing Committee amendment to LB 978:
AM3047

1. Insert the following new section:

"Sec. 7. Section 23-164, Reissue Revised Statutes of Nebraska, is amended to read:

23-164. The county board shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, ~~and~~ enforced~~,~~ and, from time to time, amended, supplemented, or changed. No ~~; PROVIDED, no~~ such regulation, restriction, or boundary shall become effective until after public hearings are held by both the county planning commission and county board in relation thereto, when its parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by the

publication thereof in a legal newspaper of general circulation in such county~~, and in the local newspaper of any county which has territory within three miles of the property affected by such action of the county board,~~ one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the ~~chairman~~ chairperson of any municipal, county, or joint planning commission in the State of Nebraska which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government in the State of Nebraska having jurisdiction over land within three miles of the property affected by such action.".

2. On page 11, line 28, after the third comma insert "23-164,".

3. Renumber the remaining sections accordingly.

(Signed) Stan Schellpeper, Chairperson

Judiciary

LEGISLATIVE BILL 1312. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Education

LEGISLATIVE BILL 1050. Placed on General File as amended. (Standing Committee amendment, AM3077, 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

UNANIMOUS CONSENT - Add Cointroducer

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 590 and LB 927. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dick Erickson and Ryan Allen from Bassett; eight junior and senior high students and sponsors from Sidney; members of NE Nebraska Resources and Renewal Program; and Tim Begley from Omaha.

The Doctor of the Day was Dale Michels from Lincoln.

ADJOURNMENT

At 12:05 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Monday, February 12, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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TWENTY-FIFTH DAY - FEBRUARY 12, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Captain Bob Miles, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Matzke, and Wickersham who were excused; and Messrs. Beutler, Chambers, Coordsen, Dierks, Kristensen, Landis, Lindsay, Robinson, Schrock, Warner, Will, Mmes. Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 742, line 29, strike "Hanns" and insert "Hans".
Page 743, line 22, after "899" insert "and LR 314".
The Journal for the twenty-fourth day was approved as corrected.

ANNOUNCEMENT

Mr. Hartnett designates LB 1373 as his priority bill.

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

Series A Single Family Issue Quarterly Report for January (Neb.Rev.Stat. §58-270(4))
Series B Single Family Issue Quarterly Report for January (Neb.Rev.Stat. (58-270(4))

ATTORNEY GENERAL'S OPINION

Opinion No. 96010

DATE: February 2, 1996

SUBJECT: Legislation Authorizing the Director of the Department of Environmental Quality To Suspend Remedial Actions Involving Leaking Underground Storage Tanks

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office regarding the administrative decision of the Director of the Department of Environmental Quality ("Director") to indefinitely suspend remedial actions required under the Leaking Underground Storage Tank ("LUST") program at 659 petroleum-contaminated sites. In particular, you stated that "the {Program Evaluation} committee would like to know whether you believe it would be advisable to enact legislation **specifically** authorizing the director to take such action." (emphasis in original). You explain that the committee is considering legislation to address issues raised by its evaluation of the LUST program.

We addressed a number of issues involving the Leaking Underground Storage Tank program, and in particular the Director's authority pursuant to the Petroleum Remedial Action Act, Neb. Rev. Stat. §§ 66-1501 to 66-1530 ("Remedial Action Act"), in a previous opinion. See Op. Att'y. Gen. No. 95083 (October 27, 1995). A review of the contents of Opinion No. 95083 may at least partially address the issue about which you requested advice. One question addressed in Opinion No. 95083 was whether the Department has any flexibility, once reimbursements approved exceed the amount in the Petroleum Release Remedial Action Cash Fund ("Cash Fund"), to utilize the Cash Fund in any manner inconsistent with the requirements in Neb. Rev. Stat. § 66-1523(4) (Cum. Supp. 1994). Section 66-1523 requires reimbursements normally to be paid in the same order in which they are submitted to the Department.

The Department interprets the provisions of Neb. Rev. Stat. § 66-1529.02(1) (Cum. Supp. 1994) as providing an exception to the normally chronological order requirement for reimbursements under §

66-1523(4). This interpretation is based on the Director's determination that certain sites pose a danger to public safety or the environment. In Opinion No. 95083, we agreed with the Department's interpretation of the provisions of § 66-1523(4), when read in conjunction with § 66-1529.01(1).

Whether it would be advisable to enact legislation specifically authorizing the Director to indefinitely suspend cleanup projects required under the Petroleum Products and Hazardous Substances Storage and Handling Act, Neb. Rev. Stat. §§ 81-15,117 to 81-15,127, or the Remedial Action Act would depend largely on the purposes which the Legislature wishes the aforementioned Acts to achieve.

Pursuant to its duty to administer the provisions of the above Acts, the Department has interpreted the statutes dealing with remedial actions and reimbursements as allowing suspension of remedial actions when the Cash Fund becomes insufficient to meet outstanding reimbursement claims submitted by petroleum tank owners and operators. If the Legislature supports this interpretation, no action would necessarily be required to allow the Department to continue operating in accordance with its understanding of the statutes involved. When the Legislature does not enact legislation to alter an administrative agency's interpretation of a statute, the courts have construed the Legislature's decision not to alter the agency's interpretation as lending support to the agency's position. The Nebraska Supreme Court has held that an administrative agency's interpretation of a statute over which it has enforcement authority is not controlling, but considerable weight will be given to the construction, particularly when the Legislature fails to take steps to change the agency's interpretation. **Omaha Public Power Dist. v. Nebraska Dept. of Revenue,** 248 Neb. 518, 529, ___ N.W.2d ___ (1995). **See also McCaul v. American Savings Co.,** 213 Neb. 841, 331 N.W.2d 795 (1983). We note, though, that a statute specifically providing such authority, as opposed to mere acquiescence, provides a much clearer indication of the Legislature's intentions for an administrative agency or a court to follow.

Conversely, if the Legislature does not agree with the Department's interpretation of the statutes regarding suspension of cleanup sites, legislative action may be required in order to change the Department's current actions and provide the Director with guidance as to how the Legislature wishes the Department to handle the difficulties presented by the Cash Fund's inability to provide immediate reimbursement to all owners and operators with approved but unpaid reimbursement claims.

As we pointed out in Opinion 95083, although we agree with the Department's interpretation and believe it is a reasonable reading of the current statutes, it is not clear whether the Department's interpretation would be upheld should a challenge be brought in court. When read separately, there appear to be discrepancies between the provisions of § 66-1523(4) and § 66-1529.02(1). Legislative action providing more specificity regarding the Director's authority to indefinitely suspend remedial actions at contaminated sites when the Cash Fund becomes

insufficient to supply reimbursements for approved remedial actions would presumably clarify any ambiguities and remove much of the uncertainty regarding the Director's authority to take such actions.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-09-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 754. Mr. Bernard-Stevens withdrew his amendment, FA430, found in the Journal on page 704.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, FA426, found in the Journal on page 704, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, FA426, found in the Journal on page 704.

Mr. Bernard-Stevens renewed the McKenzie pending substitute amendment, FA431, found in the Journal on page 711.

The McKenzie amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mrs. Bohlke offered the following amendment:
FA435
Amend AM2897:
Page 1, line 6 after first "of" insert "his or her legible"

The Bohlke amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Bohlke offered the following amendment:
FA436
Amend AM2897
Page 2, lines 25, 26 strike "and indirect"

The Bohlke amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 1 nay, 7 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 754A. 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.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1044. Title read. Considered.

Standing Committee amendment, AM2978, printed separately and referred to on page 682, was considered.

Mrs. Hillman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

SPEAKER WITHEM PRESIDING

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

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. COORDSEN PRESIDING

Advanced to E & R for review with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 256, 700A, and 939.

Enrollment and Review Change to LB 256

The following changes, required to be reported for publication in the Journal, have been made:
ER9116

1. In the Hudkins amendment, AM2983, on page 1, line 12, "transportation" has been inserted after "for"; and in line 13 the underscored period has been struck.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1375. Placed on General File as amended.
Standing Committee amendment to LB 1375:
AM3078

1. Strike the original section and insert the following new sections:

"Section 1. A state agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records for a fee if the public record would otherwise be free under the laws of Nebraska or for a fee greater than allowed by the laws of Nebraska. Any such contract in existence on the effective date of this act shall be terminated at the earliest date permitted by the terms of the contract.

For purposes of this section:

(1) Public record has the same meaning as in section 84-712.01; and

(2) State agency means all state agencies, departments, boards, commissions, and committees, the executive branch of state government, the judicial branch of state government, and the legislative branch of state government.

Sec. 2. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) C. N. "Bud" Robinson, Chairperson

Urban Affairs

LEGISLATIVE BILL 1365. Placed on General File.

LEGISLATIVE BILL 1362. Placed on General File as amended.
Standing Committee amendment to LB 1362:
AM3108

1. On page 4, strike beginning with "The" in line 6 through the period in line 11.

(Signed) D. Paul Hartnett, Chairperson

Revenue

LEGISLATIVE BILL 183. Placed on General File as amended.
Standing Committee amendment to LB 183:
AM3099

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-2702.13, Revised Statutes Supplement, 1995, is amended to read:

77-2702.13. (1) Retail sale or sale at retail shall mean:

(a) A sale of property for any purpose other than for resale in the regular course of business;

(b) A sale of property to an advertising agency which purchases the property as an agent for a disclosed or undisclosed principal. The advertising agency is and remains liable for the sales and use tax on the purchase the same as if the principal had made the purchase directly;

(c) The delivery in this state of property by an owner or former owner thereof or by a factor or agent of such owner, former owner, or factor, if the delivery is to a customer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery in such cases shall include the delivery person's selling price of the property in his or her gross receipts;

(d) The sale of admissions which shall mean the right or privilege to have access to or to use a place or location. When an admission to an activity is combined with the solicitation of a contribution, the portion or the amount charged representing the fair market price of the admission shall be considered a retail sale subject to the tax imposed by section 77-2703. The organization conducting the activity shall determine the amount properly attributable to the purchase of the privilege, benefit, or other consideration in advance, and such amount shall be clearly indicated on any ticket, receipt, or other evidence issued in connection with the payment. Admissions shall not include (i) fees charged by elementary or secondary schools, public or private, (ii) fees charged by school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities in an elementary or secondary school, public or private, during the regular school day or at an approved function of any such school, or (iii) fees charged by ballot question committees, candidate committees, independent committees, and political party committees as defined in the Nebraska Political Accountability and Disclosure Act;

(e) A sale of live plants incorporated into real estate except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate;

(f) A sale of any property annexed to real estate by a

person electing to be taxed as a retailer pursuant to subdivision (1) of section 77-2702.05 except when such annexation is incidental to the transfer of an improvement upon real estate or the real estate; and

(g) A sale of veterinary medicines and chemicals to a veterinarian, which purchases are for the treatment of animals either directly by the veterinarian or by another person. The veterinarian is and shall remain liable for the sales and use tax on the purchase even if ownership of the veterinary medicines and chemicals is transferred to another person before use.

(2) Retail sale or sale at retail shall not mean:

(a) The sale of:

(i) Property which will enter into and become an ingredient or component part of property manufactured, processed, or fabricated for ultimate sale at retail; or

(ii) Refractory materials~~,~~ and lime~~, synthetic slag, mill rolls, and guides~~ for use in manufacturing of ~~steel or~~ cement;

(b) The sale of:

(i) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Animal life shall include live poultry or livestock on the hoof when sales are made by the grower, producer, feeder, or any person engaged in the business of bartering, buying, or selling live poultry or livestock on the hoof;

(ii) Feed for any form of animal life or water which is supplied for consumption by animal life or which is otherwise used in caring for animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily are used for human apparel. Feed shall include all grains, minerals, salts, proteins, fats, fibers, vitamins, grit, and antibiotics commonly used as feed or feed supplements;

(iii) Seeds and annual plants, the products of which ordinarily constitute food for human consumption and which seeds and annual plants are sold to commercial producers of such products, and seed legumes, seed grasses, and seed grains when sold to be used exclusively for agricultural purposes;

(iv) Agricultural chemicals for use in agriculture and applied to land or crops. Agricultural chemicals shall not mean chemicals applied to harvested grains stored in commercial elevators;

(v) Oxygen for use in aquaculture as defined in section 2-3804.01; or

(vi) Veterinary medicines and chemicals when sold by a licensed veterinarian who has paid the sales or use tax on such veterinary medicines and chemicals;

(c) The sale of:

(i) Nonreturnable containers when sold without contents to persons who place contents in the container and sell the

contents together with the container;

(ii) Containers when sold with contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by the Nebraska Revenue Act of 1967; and

(iii) Returnable containers when sold with contents in connection with a retail sale of the contents or when resold for refilling.

The term returnable containers shall mean containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are nonreturnable containers;

(d) The sale of property the transfer of which to the consumer constitutes an occasional sale or the transfer of which to the consumer is made by way of an occasional sale;

(e) The sale of property the sale, purchase, or use of which has been taxed to that taxpayer in another state, territory, or possession of the United States of America when such other state, territory, or possession grants a reciprocal exclusion or an exemption to similar transactions in this state;

(f) The purchase in this state or the purchase outside this state, with title passing in this state, of materials and replacement parts used as or used directly in the repair and maintenance or manufacture of railroad rolling stock, whether owned by a railroad or by any person, whether a common or contract carrier or otherwise, motor vehicles, watercraft, or aircraft engaged as common or contract carriers or the purchase in such manner of motor vehicles, watercraft, or aircraft to be used as common or contract carriers. All purchasers seeking to take advantage of the exemption shall apply to the Tax Commissioner for a common or contract carrier exemption. All common or contract carrier exemption certificates shall expire on October 31, 1986, and on October 31 every three years thereafter. All persons seeking to continue to take advantage of the common or contract carrier exemption shall apply for a new certificate at the expiration of the prior certificate. The Tax Commissioner shall notify such exemption certificate holders at least sixty days prior to the expiration date of such certificate that their certificate will expire and be null and void as of such date;

(g) The sale of railroad rolling stock whether purchased by a railroad or by any other person; or

(h) The sale of property annexed to real estate.

Sec. 2. Original section 77-2702.13, Revised Statutes Supplement, 1995, is repealed.

Sec. 3. The following section is outright repealed: Section 77-2704.40, Revised Statutes Supplement, 1995.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 1373. Placed on General File as amended.
Standing Committee amendment to LB 1373:

AM3113

1. On page 3, line 3, after the second comma insert "the Ethanol Development Act,"; in line 4 after the period insert "In selecting and analyzing the representative projects, confidentiality requirements which are applicable to taxpayers by law are to be preserved."; and in line 11 after "techniques" insert ", criteria for selection of a model,".

2. On page 4, line 16, after "of" insert "representative" and after "committee" insert "pursuant to section 2 of this act".

LEGISLATIVE BILL 951. Indefinitely postponed.
LEGISLATIVE BILL 1003. Indefinitely postponed.
LEGISLATIVE BILL 1032. Indefinitely postponed.
LEGISLATIVE BILL 1166. Indefinitely postponed.
LEGISLATIVE BILL 1173. Indefinitely postponed.
LEGISLATIVE BILL 1196. Indefinitely postponed.
LEGISLATIVE BILL 1246. Indefinitely postponed.
LEGISLATIVE BILL 1270. Indefinitely postponed.
LEGISLATIVE BILL 1284. Indefinitely postponed.
LEGISLATIVE BILL 1315. Indefinitely postponed.
LEGISLATIVE BILL 1369. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Judiciary

LEGISLATIVE BILL 1021. Placed on General File.
LEGISLATIVE BILL 1269. Placed on General File.

LEGISLATIVE BILL 929. Indefinitely postponed.
LEGISLATIVE BILL 942. Indefinitely postponed.
LEGISLATIVE BILL 952. Indefinitely postponed.
LEGISLATIVE BILL 998. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

GENERAL FILE

LEGISLATIVE BILL 349. Considered.

Standing Committee amendment, AM1024, printed separately and referred to on page 1172, First Session, 1995, was considered.

Mr. Withem withdrew his amendments, FA407 and AM2955, found in the Journal on pages 637 and 655.

Ms. Schimek renewed her pending amendment, AM2944, found in the Journal on page 658, to the Standing Committee amendment.

Ms. Schimek withdrew her amendment.

Mrs. Robak offered the following amendment:
AM2882
(Amendments to Standing Committee amendments, AM1024)
1. Strike section 4.
2. On page 12, line 11, strike "79-3804,".
3. Renumber the remaining sections accordingly.

Mrs. Robak 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 the Robak amendment.

Voting in the affirmative, 17:

Bromm	Elmer	Lynch	Robinson	Schrock
Coordsen	Engel	Pirsch	Schellpeper	Stuhr
Cudaback	Jones	Robak	Schmitt	Vrtiska
Dierks	Klein			

Voting in the negative, 18:

Avery	Bohlke	Hilgert	Preister	Will
Bernard-Stevens	Brashear	Jensen	Schimek	Witek
Beutler	Crosby	McKenzie	Warner	Withem
	Fisher	Pedersen	Wehrbein	

Present and not voting, 9:

Brown	Hartnett	Hudkins	Lindsay	Wesely
Chambers	Hillman	Janssen	Maurstad	

Excused and not voting, 5:

Abboud	Kristensen	Landis	Matzke	Wickersham

The Robak amendment lost with 17 ayes, 18 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 1044. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 1058. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 12, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 469, 890, 891, 892, 893, 894, 895, 896, 897, 898, and 899 were received in my office on February 8, 1996.

These bills were signed by me on February 12, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

MOTION - Place LB 952 on General File

Mr. Maurstad moved to place LB 952 on General File notwithstanding the action of the Judiciary Committee pursuant to Rule 3, Section 17.

Laid over.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 964:
AM3075

1. On page 4, line 23, before "hold" insert "adopted by two-thirds of the members of the governing body,".

Mr. Schmitt filed the following amendment to LB 1055:
AM3083

1. On page 4, line 26, strike "training" and insert "qualification".

2. On page 5, line 1, strike "free of charge" and insert "at no cost"; and in line 3 after the period insert "The Director of the Nebraska Law Enforcement Training Center shall adopt and promulgate rules and regulations for requalification for the case in which a law enforcement officer fails to qualify. The peace officer status of a law enforcement officer who fails to qualify shall be determined by the person in charge of the law enforcement agency where the law enforcement officer is employed.".

VISITORS

Visitors to the Chamber were Senator Witek's mother, Mrs. McNally, from Scottsdale, Arizona; 65 fourth grade students and teachers from Hamlow Elementary, Waverly; Jim Merrigan, Chuck Hibberd, and Ron Moore from Scottsbluff, Mary Crawford from Alliance, and Sam Carroll from Lingle, Wyoming; Al Rodriquez and Virgil Armendariz; and 25 students and teacher from Southeast Community College.

The Doctor of the Day was Don Mantz from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Robak, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SIXTH DAY - FEBRUARY 13, 1996

LEGISLATIVE JOURNAL

TWENTY-SIXTH DAY - FEBRUARY 13, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor James Goble, Fourth Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Crosby, Ms. Schimek, and Mr. Will who were excused; and Messrs. Abboud, Beutler, Cudaback, Dierks, Kristensen, Landis, Lindsay, and Matzke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 904. Placed on General File.
LEGISLATIVE BILL 1213. Placed on General File.

(Signed) C. N. "Bud" Robinson, Chairperson

ANNOUNCEMENT

The Agriculture Committee designates LB 1174 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 349. The Standing Committee amendment, AM1024, printed separately and referred to on page 1172, First Session, 1995, and considered on page 762, was renewed.

Mr. Wickersham moved to reconsider the Robak amendment, AM2882, found in the Journal on page 763, to the Standing Committee amendment.

Messrs. Hilgert and Engel asked unanimous consent to 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.

The Wickersham motion to reconsider prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Robak reconsidered amendment, AM2882, found in the Journal on page 763, to the Standing Committee amendment, was renewed.

The Robak 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 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 938:
AM3102

1. Strike original section 5 and insert the following new section:

"Sec. 3. Section 60-4,149.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,149.01. A commercial driver's license examiner may waive the written knowledge examination, except the hazardous material portion of the test, if the applicant:

(1) Has a valid commercial driver's license from another state which was issued within the two years immediately preceding the date of application for a commercial driver's license from this state; and

(2) Provides suitable evidence that within at least two years immediately preceding the date of application he or she has taken a written test which was given by a state with a classified licensing and testing system, which was the same as the test that

would otherwise be given by this state, and which was for the class of commercial motor vehicle the applicant is applying to operate.

(3) Any commercial driver's license applicant who renews his or her license prior to its expiration is not required to take the written portion of the examination, except for the hazardous material portion of the examination, if his or her driving record abstract maintained in the department's computerized records shows that he or she has not had a traffic violation as described in section 60-4,182 from the date his or her commercial driver's license was issued to the date his or her application for renewal was made.".

2. On page 3, line 15, strike "(3)" and insert "(2)".

3. On page 6, line 20, strike "or any other".

4. On page 10, line 18, strike "section" and insert "sections" and after "60-4,138" insert "and 60-4,149.01".

5. Renumber the remaining sections accordingly.

Mr. Kristensen filed the following amendment to LB 464:
AM3101

1. Strike original section 1 and insert the following new sections:

"Section 1. Section 23-186, Revised Statutes Supplement, 1995, is amended to read:

23-186. A county board may consolidate under the office of a designated county official the services provided to the public by the county assessor, the county clerk, and the county treasurer relating to the issuance of certificates of title, registration certificates, certificates of number, license plates, and renewal decals, notation and cancellation of liens, and collection of fees for motor vehicles or motorboats as provided in sections 18-1738, 18-1738.01, 37-1275 to 37-1290, 60-106, 60-107, 60-108, 60-110, 60-111, 60-112, 60-113, 60-115, 60-119, 60-122, 60-301 to 60-347, 60-6,322, 60-1803, 77-1240.03, and 77-1240.04. In a county in which a city of the metropolitan class is located, the county board may designate the county treasurer to provide the services. In any other county, the county board may designate the county assessor, the county clerk, or the county treasurer to provide the services.

Sec. 18. Section 60-105, Reissue Revised Statutes of Nebraska, is amended to read:

60-105. (1) No person, except as provided in section 60-110, acquiring a motor vehicle, commercial trailer, semitrailer, or cabin trailer from the owner thereof, whether such owner ~~be~~ is a manufacturer, importer, dealer, or otherwise, shall acquire any right, title, claim, or interest in or to such motor vehicle, commercial trailer, semitrailer, or cabin trailer until he or she shall have had delivered to him or her physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and a certificate of title or a manufacturer's or importer's certificate duly executed in accordance with ~~the provisions of this~~

~~act,~~ sections 60-102 to 60-117 and with such assignments thereon as may be necessary to show title in the purchaser thereof or an instrument in writing required by section 60-1417. No ~~; nor shall any~~ waiver or estoppel shall operate in favor of such person against a person having physical possession of such motor vehicle, commercial trailer, semitrailer, or cabin trailer and such certificate of title or manufacturer's or importer's certificate or an instrument in writing required by section 60-1417. ~~therefor.~~ No court in any case at law or in equity shall recognize the right, title, claim, or interest of any person in or to any motor vehicle, commercial trailer, semitrailer, or cabin trailer sold or disposed of, or mortgaged or encumbered, unless there is compliance with this section.

(2) The county clerk, subject to the approval of the department, shall assign a distinguishing identification number to any motor vehicle, commercial trailer, semitrailer, or cabin trailer whenever such identification number is destroyed, obliterated, or missing. It shall be the duty of the owner or owners of such a motor vehicle, commercial trailer, semitrailer, or cabin trailer to which such number is assigned, to have such number affixed to such vehicle in a manner prescribed by the department. Before the certificate of title for an assigned number is released to the applicant by the designated county official, the applicant must provide a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106. Upon application for a metallic assigned number plate, a nonrefundable fee of twenty dollars per vehicle shall be paid to the department by the applicant.

(3) The department shall develop a metallic assigned number plate which can be permanently secured to a motor vehicle by rivets. All distinguishing identification number plates shall display seventeen characters. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled vehicle, the department shall use a distinguishing identification number. The number shall include seventeen positions, the last two being 'NE'. The department shall, at the request of the designated county official, provide the designated county official with a number plate displaying a distinguishing identification number or the manufacturer's number provided by the designated county official.

(4) ~~before registration is obtained.~~

~~(3)~~ Any motor vehicle or trailer to which such a distinguishing identification number is assigned, as authorized in subsection (2) of this section, shall be registered under such distinguishing identification number when registration of the motor vehicle or trailer is required under ~~this act~~ sections 60-102 to 60-117. Except for those excepted in section 60-102, all motor vehicles, commercial trailers, semitrailers, and cabin trailers must have a certificate of title before registration.

Sec. 19. Section 60-106, Revised Statutes Supplement, 1994, is amended to read:

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. 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. If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 20 of this act. 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, (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 any county 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. The county clerk 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, or if the inspection is for a

Nebraska assigned number, 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. 20. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle or security interest in the vehicle;

(b) Provides a statement that an identification inspection has been conducted pursuant to subsection (8) of section 60-106;

(c) Pays a fee of fifty dollars; and

(d) Files a bond in a form prescribed by the department and executed by the applicant.

(2) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the vehicle as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent

purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the vehicle or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the vehicle. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

(3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the vehicle have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

(4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS VEHICLE MAY BE SUBJECT TO AN UNDISCLOSED INTEREST, BOND NUMBER .....

(5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

(6) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(7) The department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 21. The Revisor of Statutes shall assign section 20 of this act within sections 60-102 to 60-117.".

2. On page 22, line 23, strike "sections 23-186," and insert "section 60-105, Reissue Revised Statutes of Nebraska, sections"; in line 24 strike "and" and after the last comma insert "and 60-106,"; and in line 25, after the last comma insert "and section 23-186, Revised Statutes Supplement, 1995,".

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Agriculture

LB 1066 Tuesday, February 20, 1996, Room 1520 5:00 p.m.

NOTE: LB 1066 was originally scheduled for 1:30 p.m. in Room 2102. Please note both time and room change.

(Signed) Merton L. Dierks, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1321. Placed on General File as amended.
Standing Committee amendment to LB 1321:
AM3142

1. On page 5, line 5, after the period insert "If a warrant for operation or maintenance expenses is not issued within such sixty-day period, the amount owed by the district shall bear interest from the sixty-first day until the date upon which the warrant is issued at a rate equivalent to one and one-half times the rate specified in subsection (2) of section 45-104.02.".

LEGISLATIVE BILL 1355. Placed on General File as amended.
Standing Committee amendment to LB 1355:
AM3107

1. Strike original section 10 and insert the following new sections:

"Sec. 9. Section 31-735, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.~~ (1) On the first Tuesday after the second Monday in September which is at least fifteen months after the judgment of the district court creating a sanitary and improvement district and on the first Tuesday after the second Monday in September each two years thereafter, the board of trustees shall cause a special election to be held, at which election a board of trustees of five in number shall be elected. Each member elected to the board of trustees shall be elected to a term of two years and shall hold office until such member's successor is elected and qualified. Any person desiring to file for the office of trustee may file for such office with the election commissioner, or county clerk in counties having no election commissioner, of the county in which the greater proportion in area of the district is located not later than fifty days before the election. No filing fee shall be required. A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether he or she is a candidate for election by the resident owners of such district or whether he or she is a candidate for election by all of the owners of real estate located in the district. The name of such candidate shall appear on only one ballot. The name of a person may be written in and voted for as a candidate for the office of trustee,

and such write-in candidate may be elected to the office of trustee. Such trustees shall be owners of real estate located in the district. Notice of the date of the election shall be mailed by the clerk of the district not later than sixty-five days prior to the election to each person who is entitled to vote at the election for trustees whose property ownership or lease giving a right to vote is of record on the records of the register of deeds as of a date designated by the election commissioner or county clerk, which date shall be not more than seventy-five days prior to the election.

(2) For any sanitary and improvement district, persons whose ownership or right to vote becomes of record or is received after the date specified pursuant to subsection (1) of this section may vote upon establishing their right to vote to the satisfaction of the election board. At the first election and at the election held two years after the first election, any person may cast one vote for each trustee for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she may own in the district. At the election held four years after the first election of trustees, two members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and three members shall be elected by all of the owners of real estate located in the district pursuant to this section. Every resident property owner may cast one vote for a candidate for each office of trustee to be filled by election of resident property owners only. Such resident property owners may also each cast one vote for each acre of unplatted land or fraction thereof and for each platted lot owned within the district for a candidate for each office of trustee to be filled by election of all property owners. For each office of trustee to be filled by election of all property owners of the district, every legal property owner not resident within such sanitary and improvement district may cast one vote for each acre of unplatted land or fraction thereof and one vote for each platted lot which he or she owns in the district. At the election held eight years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section, except that if more than fifty percent of the homes in any sanitary and improvement district are used as a second, seasonal, or recreational residence, the owners of such property shall be considered legal property owners resident within such district for purposes of electing trustees, and at the election held six years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district and two members shall be elected by all of the owners of real estate located in the district pursuant to this section. If

there are not any legal property owners resident within such district, the five members shall be elected by the legal property owners of all property within such district as provided in this section. Any corporation, whether public, private, or municipal, owning any land or lot in the district may vote at such election the same as an individual. For purposes of voting for trustees, each condominium apartment under a condominium property regime established prior to January 1, 1984, under the Condominium Property Act or established after January 1, 1984, under the Nebraska Condominium Act shall be deemed to be a platted lot and the lessee or the owner of the lessee's interest, under any lease for an initial term of not less than twenty years which requires the lessee to pay taxes and special assessments levied on the leased property, shall be deemed to be the owner of the property so leased and entitled to cast the vote of such property. When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, members of a limited liability company, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property. The executor, administrator, guardian, or trustee of any person or estate interested shall have the right to vote. No corporation, estate, or trust shall be deemed to be a resident owner for purposes of voting for trustees. Should two or more persons or officials claim the right to vote on the same tract, the election board shall determine the party entitled to vote. Such board shall select one of their number chairperson and one of their number clerk. In case of a vacancy on such board, the remaining trustees shall fill the vacancy on such board until the next election.

(3) The election commissioner or county clerk shall hold any election required by subsection (1) of this section by sealed mail ballot by notifying the board of trustees on or before July 1 of a given year. The election commissioner or county clerk shall, at least twenty days prior to the election, mail a ballot and return envelope to each person who is entitled to vote at the election and whose property ownership or lease giving a right to vote is of record with the register of deeds as of the date designated by the election commissioner or county clerk, which date shall not be more than seventy-five days prior to the election. The ballot and return envelope shall include: (a) The names and addresses of the candidates; (b) room for write-in candidates; and (c) instructions on how to vote and return the ballot. Such ballots shall be returned to the election commissioner or county clerk no later than 10 a.m. of the first Thursday following the election.

Sec. 10. Section 31-735.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.01.~~ At any election held to elect trustees of a sanitary and improvement district, the ballots shall be received,

counted, and canvassed by an election board of two persons or more appointed by the election commissioner or the county clerk in counties having no election commissioner.

Sec. 11. Section 31-735.02, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.02.~~ For any sanitary and improvement district, the county clerk or election commissioner shall certify the results of the election to the district.

Sec. 12. Section 31-735.03, Revised Statutes Supplement, 1994, is amended to read:

~~31-735.03.~~ If an election is contested involving a sanitary and improvement district board of trustees, ~~the Election Act~~ sections 32-1101 to 32-1117 shall apply.

Sec. 13. Section 31-735.04, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.04.~~ For purposes of sections ~~31-735 to 31-735.02~~ 9 to 11 of this act, a sanitary and improvement district shall be deemed to be located in a county with a population of one hundred thousand or more if the greater proportion in area of the district is located in such county.

Sec. 14. Section 31-735.05, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.05.~~ Not later than June first of each year, the election commissioner or county clerk shall determine which sanitary and improvement districts in the county are required to hold elections in such year and shall so notify the clerk of each such district on or before July first of such year. The entire costs of conducting the election shall be borne by the sanitary and improvement district holding the election, and such costs shall include all expenses such as procuring a list of the property owners of record in each such district, printing and mailing notices of the elections to such property owners, printing, preparing, and mailing ballots, paying compensation and mileage for the election boards conducting such elections, and also indirect expenses, such as the pro rata amount of any additional clerical expense or other miscellaneous expenses to be incurred by the election commissioner or county clerk in conducting all of such elections to be held in such calendar year. Within sixty days after the elections have been held, each district shall be charged and billed for all of the actual expenses incurred by the election commissioner or county clerk attributable to such district. Payment of the total amount billed to the district shall be in currency and made by the attorney for the sanitary and improvement district to the election commissioner or county clerk within sixty days after receipt of such billing.

Sec. 15. Section 31-735.06, Reissue Revised Statutes of Nebraska, is amended to read:

~~31-735.06.~~ Notwithstanding the appointment of an administrator for any district pursuant to sections 31-771 to

31-780, special elections shall be held for the election of members of the board of trustees for such district in the same manner and at the same time as such elections would be held under sections ~~31-735 to 31-735.03~~ 9 to 12 of this act. In a district for which such an administrator has been appointed when the board of trustees of such district is not functioning, the administrator shall cause a special election of trustees to be held within sixty days after the issuance of a certificate of appointment of such administrator, at which election a board of trustees of five in number shall be elected to a term of office which ~~shall expire~~ expires on the first Tuesday of the second September following the appointment of such administrator.

Sec. 16. Section 31-741, Reissue Revised Statutes of Nebraska, is amended to read:

31-741. For the first eight years after the election of the initial board of trustees pursuant to section ~~31-735~~ 9 of this act, all contracts for construction work to be done or materials or equipment purchased, the expense of which is more than three thousand dollars, and after such eight-year period, all contracts for work to be done or materials or equipment purchased, the expense of which is more than five thousand dollars, shall be let to the lowest responsible bidder, upon notice of not less than twenty days, of the terms and conditions of the contract to be let. The board of trustees or the administrator shall have power to reject any and all bids and readvertise for the letting of such work or to negotiate any contract after an unsuccessful public letting.

Sec. 17. Section 31-771, Reissue Revised Statutes of Nebraska, is amended to read:

31-771. A petition may be filed with the district court of the county in which a majority of the real property of a sanitary and improvement district is located for referral of the district to the Auditor of Public Accounts for the appointment of an administrator of the district and suspension of the authority of the board of trustees or other relief as provided by sections 31-772 to 31-780. Such petition may be filed by: (1) A majority of the board of trustees of the district; (2) the holders of more than fifty percent in principal amount of the outstanding bonds of the district; (3) the holders of more than fifty percent in principal amount of outstanding construction fund warrants of the district; (4) a majority of the lessees permitted to vote pursuant to section ~~31-735~~ 9 of this act who are residents of the district and resident property owners of the district; (5) the owners of more than one-half of the real property within the district; or (6) a municipality whose boundary adjoins the district and which exercises zoning jurisdiction over the district. A petition filed by a municipality pursuant to subdivision (6) of this section may be filed by such municipality only on grounds that the district has issued outstanding bonds or construction fund warrants which have

been in default for more than ninety days or the district lacks a functioning board of trustees.

Sec. 18. Section 32-101, Revised Statutes Supplement, 1995, is amended to read:

32-101. Sections 32-101 to 32-1550 and sections 1 to 15 of this act shall be known and may be cited as the Election Act.

Sec. 20. Original sections 31-735 to 31-735.02, 31-735.04 to 31-735.06, 31-741, and 31-771, Reissue Revised Statutes of Nebraska, sections 31-735.03 and 32-1302, Revised Statutes Supplement, 1994, and section 32-101, Revised Statutes Supplement, 1995, are repealed.".

2. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

Transportation

LEGISLATIVE BILL 901. Placed on General File as amended. (Standing Committee amendment, AM3071, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Doug Kristensen, Chairperson

Revenue

LEGISLATIVE BILL 1217. Placed on General File as amended. Standing Committee amendment to LB 1217:
AM3112

1. Insert the following new section:

"Sec. 3. Section 77-4112, Reissue Revised Statutes of Nebraska, is amended to read:

77-4112. (1) The changes made in sections 77-4103 to 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative for all applications filed on and after January 1, 1988. For all applications filed prior to January 1, 1988, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

(2) Section 1 of this act and the changes made in section 77-4104 by this legislative bill shall become operative for all applications filed on or after August 1, 1996.".

2. On page 4, line 28, after "of" insert "sales tax" and after the period insert "If the company fails to comply with this requirement, the Tax Commissioner may defer any pending sales tax refunds until the company does comply.".

3. On page 5, line 18, after "section" insert "77-4112, Reissue Revised Statutes of Nebraska, and section"; and in line 19 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 349. Mr. Withem withdrew his amendment, AM2953, found in the Journal on page 658.

Mrs. Robak withdrew her amendment, AM2940, found in the Journal on page 659.

MR. COORDSEN PRESIDING

Mr. Kristensen 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 19 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Robak requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

Bromm	Elmer	Landis	Robinson	Stuhr
Coordsen	Hudkins	Matzke	Schellpeper	Vrtiska
Cudaback	Jones	Maurstad	Schmitt	Wickersham
Dierks	Klein	Robak	Schrock	

Voting in the negative, 24:

Abboud	Bohlke	Hilgert	Lynch	Warner
Avery	Brashear	Hillman	McKenzie	Wehrbein
Bernard-Stevens	Brown	Janssen	Pedersen	Wesely
Beutler	Fisher	Jensen	Pirsch	Witek
	Hartnett	Kristensen	Preister	Withem

Present and not voting, 2:

Chambers Lindsay

Excused and not voting, 4:

Crosby Engel Schimek Will

Failed to advance to E & R for review with 19 ayes, 24 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 43. Placed on Select File as amended.
(E & R amendment, AM7186 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 532. Placed on Select File as amended.
E & R amendment to LB 532:
AM7185

1. On page 1, line 1, strike "to state intent; and"; and in line 3 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 969. Placed on Select File.
LEGISLATIVE BILL 974. Placed on Select File.

LEGISLATIVE BILL 966. Placed on Select File as amended.
E & R amendment to LB 966:
AM7184

1. Insert the following new sections:

"Section 1. Section 81-829.43, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.43. (1) In addition to disaster prevention measures as included in the state, local, and interjurisdictional disaster plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. At his or her direction, and pursuant to any other authority and competence they have, state agencies, including, but not limited to those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, ~~weather modification,~~ fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of disaster prevention-related matters. The Governor, from time to time, shall make recommendations to the Legislature, local governments, and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(2) The appropriate state agencies, in conjunction with the state Civil Defense Agency, shall keep land uses and

construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the dangers caused by any such occurrence or the consequences thereof.

(3) If the state Civil Defense Agency believes on the basis of the studies or other competent evidence that an area is susceptible to a disaster of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude of the disaster, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the Governor. If the Governor upon review of the recommendation finds after public hearing that the changes are essential, he or she shall so recommend to the agencies or local governments with jurisdiction over the area and subject matter. If no action or insufficient action pursuant to his or her recommendations is taken within the time specified by the Governor, he or she shall so inform the Legislature and request legislative action appropriate to mitigate the impact of disaster.

(4) The Governor, at the same time that he or she makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which he or she finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by resolution of the Legislature or amended by the Governor. During the time it is in effect, the standard or control contained in the Governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The Governor's action may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act.

Sec. 2. Section 81-829.45, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.45. The state Civil Defense Agency shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. ~~If the agency determines that precipitation that may result from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, it shall direct the officer or agency empowered to issue permits for weather modification operations to suspend the issuance of the permits, and thereupon no permits may be issued until the agency informs the officer or agency that the danger has~~

~~passed.~~

Sec. 3. Original sections 81-829.43 and 81-829.45, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 1, after the semicolon insert "to amend sections 81-829.43 and 81-829.45, Reissue Revised Statutes of Nebraska;"; in line 4 after the semicolon insert "to harmonize provisions; to repeal the original sections;"; and in line 5 after the first "to" insert "2-2403,".

3. On page 2, line 2 after the first "to" insert "2-2403,".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 689. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 914. Placed on General File.
LEGISLATIVE BILL 1230. Placed on General File.

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1050. Title read. Considered.

Standing Committee amendment, AM3077, printed separately and referred to on page 751, was considered.

Mr. Wickersham 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:
Sec. 12(7); and Sec. 13 of AM3077 (Option)
(Amendment on file in the Clerk's Office - Room 2018 - FA439.)

The second Standing Committee amendment is as follows:
Sec. 7(3); Sec. 8; Sec. 9; and Sec. 2 of AM3077 (Income Tax Rebate)
(Amendment on file in the Clerk's Office - Room 2018 - FA438.)

The third Standing Committee amendment is as follows:
Sec. 7(1) (26) (28) and (32); Sec. 10; Sec. 11; Sec. 15; Sec. 16; and Sec. 24 of AM3077 (Transportation)
(Amendment on file in the Clerk's Office - Room 2018 - FA437.)

The fourth Standing Committee amendment is as follows:
All other provisions of AM3077
(Amendment on file in the Clerk's Office - Room 2018 - FA440.)

The first Standing Committee amendment, FA439, on file and referred to on page 784, was considered.

Mrs. Bohlke offered the following amendment to the first Standing Committee amendment:
AM3163

(Amendments to Standing Committee amendments, AM3077)

1. On page 22, line 7, after "as" insert "option payments as determined under section 13 of this act and as"; and in lines 7 and 8 strike beginning with "and" through "distributed"; in line 9 strike ", 13,"; and in line 24 after "1990-91" insert "minus the total amount paid for option students pursuant to section 13 of this act with the difference".

2. On page 40, strike beginning with "average" in line 16 through "section" in line 19 and insert "statewide average tiered cost per student or the option school district's tiered cost per student, whichever is less".

3. On page 41, lines 5 and 6, strike "Tax" through "Fund" and insert "funds to be disbursed under section 9 of this act".

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

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Mmes. Pirsch, Witek, Stuhr, Messrs. Cudaback, Janssen, Robinson, Schmitt, Hilgert, Chambers, Preister, and Vrtiska asked unanimous consent to have their names added as cointroducers to LB 1375. No objections. So ordered.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Judith A. Schweikart - State Highway Commission

VOTE: Aye: Senators Avery, Coordsen, Jones, Klein, Kristensen, and Pedersen. Nay: None. Not Voting: Senator Pirsch. Absent: Senator Matzke.

(Signed) Doug Kristensen, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Governor Appointments Wednesday, February 21, 1996 1:30 p.m.
Nebraska Board of Health
Patricia Kuehl
Dr. Charles Ihle
Child Abuse Prevention Fund Board
Patricia Lanphier
Elaine D'Amato
Department of Social Services
Don Leuenberger

LB 1194 Thursday, February 22, 1996 1:30 p.m.

Governor Appointments Thursday, February 22, 1996 1:30 p.m.
Nebraska Board of Health
Allen Dvorak, M.D.
Karen Knortz, Ph.D.
Steven Wooden
Foster Care Review Board
Bob Ide
Steven Renteria
Christena Buttress

(Signed) Don Wesely, Chairperson

VISITORS

Visitors to the Chamber were Dr. Reg Nolin, Mark Shepard, and Trish Guinan from Fremont; and Carl Kamprath from Lincoln.

The Doctor of the Day was Mark Ptacek from O'Neill.

ADJOURNMENT

At 11:57 a.m., on a motion by Mrs. Bohlke, the Legislature adjourned until 8:30 a.m., Wednesday, February 14, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SEVENTH DAY - FEBRUARY 14, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 14, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Anthony Dawson, First Methodist Church, Auburn, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Robinson who was excused; and Messrs. Abboud, Bromm, Chambers, Coordsen, Dierks, Engel, Hilgert, Klein, Landis, Schellpeper, Wickersham, Will, Mmes. Hillman, McKenzie, Pirsch, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 784, line 31, strike "Sec. 2" and insert "Sec. 22".
The Journal for the twenty-sixth day was approved as corrected.

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 Lands and Funds
Doc Kloepping
John Feller

VOTE: Aye: Senators Bohlke, Warner, Stuhr, McKenzie, Beutler, and Janssen. Nay: None. Absent: Senators Wickersham and Bernard-Stevens.

LEGISLATIVE BILL 741. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1002. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 909. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 1046. Title read. Considered.

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

Mr. Bernard-Stevens requested to have LB 1046 passed over.

LEGISLATIVE BILL 1048. 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 908. Title read. Considered.

Standing Committee amendment, AM2843, found in the Journal on page 560, 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.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 933. 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 1008. Title read. Considered.

Standing Committee amendment, AM2851, found in the Journal on page 561, 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 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1047. Title read. Considered.

Standing Committee amendment, AM2881, found in the Journal on page 579, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1123. Title read. Considered.

Standing Committee amendment, AM2856, found in the Journal on page 579, 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.

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

LEGISLATIVE BILL 1050. The first pending Standing Committee amendment, FA439, on file and referred to on page 784 and considered on page 785, was renewed.

The Bohlke pending amendment, AM3163, found in the Journal on page 785, to the first Standing Committee amendment, was renewed.

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

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

The first Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The second Standing Committee amendment, FA438, on file and referred to on page 784, with correction on page 787, was considered.

Mr. Wickersham offered the following amendment to the second Standing Committee amendment:
FA441

(Amendments to FA438)

1.) Page 19, lines 9 to 11 Strike new matter & reinstate the old

2.) On page 22, after line 1, insert the following new subsection:

"(4) Beginning with school year 1996-97, if the total amount certified by the Tax Commissioner pursuant to subdivision (2) of this section is more than twenty-six and seven-tenths percent of the total funds appropriated to be disbursed pursuant to subdivision (1) of this section, the department shall reduce the allocated income tax funds calculated for each district pursuant to subdivision (3) of this section proportionately such that the total amount paid as allocated income tax funds for the school year does not exceed twenty-six and seven-tenths percent of the total funds appropriated pursuant to subdivision (1) of this section. 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 and section 13 of this act.".

3.) Strike section 9

Mrs. McKenzie, Messrs. Kristensen, Matzke, Lynch, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 11 nays, and 28 not voting.

Mrs. Robak moved to bracket LB 1050 until February 14, 1997.

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 24 ayes, 0 nays, and 25 not voting.

Mr. Abboud requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Avery	Beutler	Elmer	Hartnett	Hudkins
Bernard-Stevens	Bohlke	Engel	Hilgert	Janssen
	Crosby	Fisher	Hillman	Jensen

Kristensen	Maurstad	Preister	Wesely	Will
Lindsay	McKenzie	Schimek	Wickersham	Withem
Lynch	Pirsch	Warner		

Voting in the negative, 13:

Abboud	Dierks	Robak	Schrock	Vrtiska
Bromm	Jones	Schellpeper	Stuhr	Witek
Coordsen	Klein	Schmitt		

Present and not voting, 2:

Brown Chambers

Absent and not voting, 2:

Brashear Pedersen

Excused and not voting, 5:

Cudaback	Landis	Matzke	Robinson	Wehrbein

The motion to cease debate prevailed with 27 ayes, 13 nays, 2 present and not voting, 2 absent and not voting, and 5 excused and not voting.

The Robak motion to bracket lost with 4 ayes, 27 nays, 13 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

Mr. Wickersham announced the Nebraska Retirement Systems Committee will hold an executive session at 8:15 a.m. in Room 2022 on Thursday, February 15, 1996.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1050:
AM3184

(Amendments to Standing Committee amendments, AM3077)

1. Insert the following new section:

"Sec. 5. Section 79-3409, Reissue Revised Statutes of Nebraska, is amended to read:

79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or

rejection prescribed in section 79-3406 may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years, ~~and the application of any sibling of any such student to attend kindergarten or first grade in such original resident school district shall be automatically accepted,~~ and the deadlines prescribed in section 79-3406 shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in section 79-3406 shall be waived.

~~(4) The sibling of any option student shall be automatically accepted as an option student in the district in which the option student is enrolled and all deadlines imposed by section 79-3406 shall be waived if the sibling makes application for participation in the enrollment option program for the same school year as the option student first makes application or, if the sibling is not yet of school age for the school year for which the option student first made application, the sibling makes application for the first school year in which the sibling is of school age. Capacity limitations of the option district shall be waived as to siblings who meet the requirements for automatic acceptance as option students under this section.~~".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Landis filed the following amendment to LB 689:
AM3125

1. Insert the following new sections:

"Section 1. Section 44-325, Reissue Revised Statutes of Nebraska, is amended to read:

44-325. No domestic insurer shall declare or pay a dividend from any source other than earned surplus. For purposes of this section, earned surplus means an amount equal to the unassigned funds of an insurer as set forth in the most recent annual statement of the insurer submitted to the director including any surplus arising from unrealized capital gains or revaluation of assets.

Any dividend in excess of the unassigned funds of an insurer, excluding any surplus arising from unrealized capital gains or revaluation of assets, shall be deemed an extraordinary dividend and shall be subject to the requirements of section 44-2134. ~~It shall be unlawful for the officers, directors, trustees or managers of any domestic insurance company to declare~~

~~or pay any dividends, except from the earned surplus arising from its business, which shall be ascertained in accordance with the requirements and provisions of this chapter.~~

Sec. 2. Section 44-2132, Reissue Revised Statutes of Nebraska, is amended to read:

44-2132. (1) Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the director, except that registration shall not be required for a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section, subsection (1) of section 44-2133, sections 44-2134 and 44-2136, and either subsection (2) of section 44-2133 or a provision such as the following: Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions within fifteen days after the end of the month in which it learns of each such change or addition. Any insurer which is subject to registration under this section shall register within fifteen days after it becomes subject to registration and annually thereafter by March 1 of each year for the previous calendar year unless the director for good cause shown extends the time for such initial or annual registration and then within such extended time. The director may require any insurer which is authorized to do business in the state, which is a member of an insurance holding company system, and which is not subject to registration under this section to furnish a copy of the registration statement, the summary specified in subsection (3) of this section, or other information filed by such insurer with the insurance regulatory authority of its domiciliary jurisdiction.

(2) Every insurer subject to registration shall file the registration statement on a form prescribed by the National Association of Insurance Commissioners which shall contain the following current information:

(a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

(b) The identity and relationship of every member of the insurance holding company system;

(c) The following agreements in force and transactions currently outstanding or which have occurred during the last calendar year between such insurer and its affiliates:

(i) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(ii) Purchases, sales, or exchanges of assets;

(iii) Transactions not in the ordinary course of business;

(iv) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business;

(v) All management agreements, service contracts, and cost-sharing arrangements;

(vi) Reinsurance agreements;

(vii) Dividends and other distributions to shareholders; and

(viii) Consolidated tax allocation agreements;

(d) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system; and

(e) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the director.

(3) All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(4) It shall not be necessary to disclose on the registration statement information which is not material for the purposes of this section. Unless the director by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans, or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of December 31 next preceding shall not be deemed material for purposes of this section.

(5) Subject to the requirements of section 44-2134, each registered insurer shall ~~report~~ give notice to the director of all dividends and other distributions to shareholders within ~~fifteen~~ five business days following the declaration thereof and shall not pay any such dividends or other distributions to shareholders within ten business days following receipt of such notice by the director unless for good cause shown the director has approved such payment within such ten-business-day period.

(6) Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer when such information is reasonably necessary to enable the insurer to comply with the Insurance Holding Company System Act.

(7) The director shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.

(8) The director may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement.

(9) The director may allow an insurer which is authorized to do business in this state and which is part of an insurance

holding company system to register on behalf of any affiliated insurer which is required to register under subsection (1) of this section and to file all information and material required to be filed under this section.

(10) This section shall not apply to any insurer, information, or transaction if and to the extent that the director by rule, regulation, or order exempts the same from this section.

(11) Any person may file with the director a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the director disallows such a disclaimer. The director shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

(12) The failure to file a registration statement or any summary of the registration statement thereto required by this section within the time specified for such filing shall be a violation of this section.".

2. On page 3, line 8, strike "section" and insert "sections 44-325, 44-2132, and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 919	Wednesday, February 21, 1996	1:30 p.m.
LB 1199	Wednesday, February 21, 1996	1:30 p.m.
LB 1242	Wednesday, February 21, 1996	1:30 p.m.
LB 1272	Wednesday, February 21, 1996	1:30 p.m.
LB 1378	Wednesday, February 21, 1996	1:30 p.m.
LB 1034	Thursday, February 22, 1996	1:30 p.m.
LB 1043	Thursday, February 22, 1996	1:30 p.m.
LB 1182	Thursday, February 22, 1996	1:30 p.m.
LR 287CA	Thursday, February 22, 1996	1:30 p.m.
LB 937	Friday, February 23, 1996	1:30 p.m.
LB 1110	Friday, February 23, 1996	1:30 p.m.
LB 1151	Friday, February 23, 1996	1:30 p.m.
LB 1317	Friday, February 23, 1996	1:30 p.m.
LB 1350	Friday, February 23, 1996	1:30 p.m.

LB 1259	Wednesday, February 28, 1996	1:30 p.m.
LB 1260	Wednesday, February 28, 1996	1:30 p.m.
LB 1379	Wednesday, February 28, 1996	1:30 p.m.
LB 1388	Wednesday, February 28, 1996	1:30 p.m.

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 464. Placed on Select File as amended.
E & R amendment to LB 464:
AM7191

1. Because of the passage of Laws 1995, LB 37, strike original section 1 and insert the following new section:

"Section 1. Section 23-186, Revised Statutes Supplement, 1995, is amended to read:

23-186. A county board may consolidate under the office of a designated county official the services provided to the public by the county assessor, the county clerk, and the county treasurer relating to the issuance of certificates of title, registration certificates, certificates of number, license plates, and renewal decals, notation and cancellation of liens, and collection of fees for motor vehicles or motorboats as provided in sections 18-1738, 18-1738.01, 37-1275 to 37-1290, 60-106, 60-107, 60-108, 60-110, 60-111, 60-112, 60-113, 60-115, 60-119, 60-122, 60-301 to 60-347, 60-6,322, 60-1803, 77-1240.03, and 77-1240.04. In a county in which a city of the metropolitan class is located, the county board may designate the county treasurer to provide the services. In any other county, the county board may designate the county assessor, the county clerk, or the county treasurer to provide the services.".

2. In the Standing Committee amendment, AM2731, on page 3, line 14, strike "37-1214" and insert "23-186, 37-1214,".

3. On page 1, line 1, strike "23-186,"; in line 2 strike "37-1214," and strike "37-1287" and insert "37-1286"; and in line 3 after "1994" insert ", and sections 23-186, 37-1214, and 37-1287, Revised Statutes Supplement, 1995".

4. On page 19, line 20, after the second "hull" insert "identification".

5. On page 22, line 23, strike "23-186,".

LEGISLATIVE BILL 1036. Placed on Select File as amended.
E & R amendment to LB 1036:
AM7187

1. On page 1, line 4, strike "and reinstatement" and insert ", reinstatement, and domestication of corporations".

2. On page 2, line 20, strike "and", show as stricken, and insert an underscored comma.

3. On page 4, line 2, insert an underscored comma after "corporation"; in line 3 insert an underscored comma after "21-325"; and in line 19 strike "and" and insert an underscored comma.

4. On page 6, line 7, strike "10" and insert "11".

5. On page 8, line 25, insert an underscored comma after "corporation"; and in line 26 insert an underscored comma after "21-20,180".

6. On page 9, line 13, strike "and" and insert an underscored comma.

7. On page 10, line 20, strike the first underscored comma; in line 21 after "copy" insert an underscored comma; in lines 21 and 24 strike the second underscored comma; and in line 25 strike "and" and insert an underscored comma.

LEGISLATIVE BILL 934. Placed on Select File.

LEGISLATIVE BILL 984. Placed on Select File as amended.
E & R amendment to LB 984:
AM7188

1. On page 1, line 3, strike "and"; and in line 4 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 1038. Placed on Select File.

LEGISLATIVE BILL 1039. Placed on Select File as amended.
E & R amendment to LB 1039:
AM7189

1. On page 2, line 19, after "owner-occupant" insert an underscored comma.

LEGISLATIVE BILL 1040. Placed on Select File as amended.
E & R amendment to LB 1040:
AM7190

1. On page 1, line 4, strike "and"; and in line 5 before the period insert "; and to declare an emergency".
2. On page 3, line 8, strike "board" and insert "State Board of Equalization and Assessment".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 1265. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

Health and Human Services

LEGISLATIVE BILL 1310. Placed on General File.

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 1126. Placed on General File.

(Signed) Chris Abboud, Chairperson

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Place LB 952 on General File

Mr. Maurstad renewed his pending motion, found in the Journal on page 764, to place LB 952 on General File notwithstanding the action of the Judiciary Committee pursuant to Rule 3, Section 17.

SPEAKER WITHEM PRESIDING

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Maurstad requested a roll call vote, in reverse order, on his motion to place LB 952 on General File.

Voting in the affirmative, 31:

Bernard-Stevens	Cudaback	Janssen	Matzke	Schmitt
Brashear	Dierks	Jensen	Maurstad	Schrock
Bromm	Elmer	Jones	Pedersen	Stuhr
Brown	Engel	Klein	Pirsch	Vrtiska
Coordsen	Fisher	Kristensen	Robak	Warner
Crosby	Hillman	Lynch	Schellpeper	Witek
	Hudkins			

Voting in the negative, 14:

Abboud	Hartnett	Lindsay	Schimek	Will
Beutler	Hilgert	McKenzie	Wesely	Withem
Chambers	Landis	Preister	Wickersham	

Present and not voting, 1:

Avery

Excused and not voting, 3:

Bohlke Robinson Wehrbein

The Maurstad motion to place on General File prevailed with 31 ayes, 14 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1041. Placed on Select File.

LEGISLATIVE BILL 921. Placed on Select File as amended.
E & R amendment to LB 921:
AM7193

1. In the Standing Committee amendments, AM2827, on page 1, line 3, after "under" insert "sections".

LEGISLATIVE BILL 1122. Placed on Select File as amended.
E & R amendment to LB 1122:
AM7183

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-202.01, Revised Statutes Supplement, 1995, is amended to read:

77-202.01. Any organization or society seeking a tax exemption provided in subdivisions (1)(b) and (1)(c) of section 77-202 for any real or personal property, except motor vehicles, shall apply for exemption to the county assessor before January 1 of the year for which the exemption is sought on forms prescribed by the Property Tax Administrator. The county assessor shall examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization on or before February 1 following.

Any organization or society which misses the January 1 deadline for applying for exemption may apply prior to ~~February~~ July 1 to the county board of equalization for a waiver so that the county assessor may consider the application for exemption. The county board of equalization shall grant the waiver upon a finding that good cause exists for the failure to make application by January 1. When the waiver is granted, the county assessor shall

examine the application and recommend either taxable or exempt status for the real property or tangible personal property, except motor vehicles, to the county board of equalization and may assess a penalty against the organization of ten percent of the tax that would have been assessed had the waiver been denied for each calendar month or fraction thereof for which the filing of the application for waiver missed the January 1 deadline.

The changes made to this section by this legislative bill apply to applications filed for 1996 taxes and all years thereafter.

Sec. 2. Section 77-202.03, Revised Statutes Supplement, 1995, is amended to read:

77-202.03. (1)(a) A properly granted exemption of real or tangible personal property, except motor vehicles and real property used for cemetery purposes, provided for in subdivisions (1)(b) and (1)(c) of section 77-202 shall continue for a period of four years if the affidavit required by subsection (2) of this section is filed when due. The four-year period shall begin with years evenly divisible by four.

(b) A properly granted exemption of real property used for cemetery purposes provided for in subdivision (1)(c) of section 77-202 shall continue for a period of ten years. At the end of each ten-year period, the county board may renew the exemption for another ten years without reapplication. This subdivision shall apply to applications granted after August 25, 1989.

(2) In each intervening year occurring between application years, the organization or society which filed the granted exemption application for the real or tangible personal property, except motor vehicles and real property used for cemetery purposes, shall file an affidavit with the county assessor before January 1, on forms prescribed by the Property Tax Administrator, certifying that the ownership and use of the exempted property has not changed during the year. Any organization or society which misses the January 1 deadline for filing the affidavit may file the affidavit by July 1. ~~for 1993 and by February 1 for all subsequent years.~~ Such filing shall maintain the tax-exempt status of the property without further action by the county and regardless of any previous action by the county board to deny the exemption due to late filing of the affidavit. Upon any such late filing, the county board may assess a penalty against such organization or society of ten percent of the tax that would have been assessed had the affidavit not been filed for each calendar month or fraction thereof for which the filing of the affidavit is late. The changes made to this subsection by this legislative bill apply to affidavits filed for 1996 taxes and all years thereafter.

(3) Prior to January 1 of any application year, a new application shall be filed with the county assessor as provided in section 77-202.01.

(4) If any organization or society seeks a tax exemption

for any real or tangible personal property, except motor vehicles, acquired after January 1 of any year or converted to exempt use after January 1 of any year, the organization or society shall make application for exemption on or before August 15 of that year as provided in section 77-202.01. The procedure for reviewing the application shall be as in sections 77-202.01 to 77-202.07, except that the exempt use shall be determined as of the date of application. The exemption shall continue for the same period and under the same conditions as if it had been granted on an application which had been filed in accordance with subsections (1) and (2) of this section and section 77-202.01.

(5) In any year, the county assessor or the county board may cause a review of any exemption to determine whether the exemption is proper. Such a review may be taken even if the ownership or use of the property has not changed from the date of the allowance of the exemption. The review shall follow the procedure set out in section 77-202.02. If it is determined that a change in exempt status is warranted, the procedure for hearing set out in section 77-202.02 shall be followed. If an exemption is denied, the county board shall place the property on the tax rolls retroactive to January 1 of that year if on August 15 of that year the property no longer qualifies for an exemption.

(6) During the month of September of each year, the county board shall cause to be published in a paper of general circulation in the county a list of all real estate in the county exempt from taxation for that year pursuant to subdivisions (1)(b) and (1)(c) of section 77-202. Such list shall be grouped into categories as provided by the Property Tax Administrator. A copy of the list and proof of publication shall be forwarded to the Department of Revenue.

Sec. 3. Original sections 77-202.01 and 77-202.03, Revised Statutes Supplement, 1995, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 77-202.01 and 77-202.03, Revised Statutes Supplement, 1995; to change deadlines for filing applications and affidavits regarding property tax exemptions; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1121. Placed on Select File as amended.
E & R amendment to LB 1121:
AM7194

1. On page 1, line 14, strike "1995" and insert "1994".

LEGISLATIVE BILL 1007. Placed on Select File.

LEGISLATIVE BILL 962. Placed on Select File as amended.
E & R amendment to LB 962:

AM7195

1. On page 1, line 4, after the semicolon insert "to transfer provisions;"; and in line 5 strike "and" and after "sections" insert "; and to declare an emergency".

2. On page 2, line 7; and page 3, line 1, strike "19-4501" and insert "3 of this act".

3. On page 3, line 19, strike "19-4501." and show as stricken.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

DiAnn Petersen - Nebraska Investment Council

VOTE: Aye: Senators Witek, Wehrbein, Lynch, Crosby, and Wickersham. Nay: None. Absent: Senator Robak.

(Signed) Bob Wickersham, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 315. Introduced by Withem, 14.

WHEREAS, Donald Keough is a very distinguished Nebraskan who has contributed to the State of Nebraska through his leadership and business success on both the national and worldwide level; and

WHEREAS, Mr. Keough served as the chairman of the board of Coca-Cola Enterprises, Inc., which is the world's largest bottling system, from 1986-1993. His career began with the Coca-Cola Company in 1950 and he served in many positions before being elected president, chief operating officer, and director of the Coca-Cola Company. During his tenure in this position, Mr. Keough demonstrated clear vision and leadership as the market capitalization of Coca-Cola stock increased from $4 billion to $58 billion in 1981 through 1993; and

WHEREAS, Mr. Keough developed his hard work ethic following World War II when he began his college education at Creighton University in Omaha, Nebraska. He was given a scholarship by WOW TV, Inc., which inaugurated a television station in 1949; and

WHEREAS, Mr. Keough met his wife, Mickie, who was born and raised in Omaha and decided the State of Nebraska was an excellent place to raise five of the six Keough children; and

WHEREAS, Mr. Keough also serves on the board of a number of national charitable and civic organizations and has received honorary doctorates from the University of Notre Dame, Creighton University, Emory University, Trinity University, Dublin, and Clarke University; and

WHEREAS, Mr. Donald Keough will receive the state's highest award, the Distinguished NEBRASKAlander Award on February 24, 1996.

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

1. That the Legislature extend congratulations to Mr. Donald Keough on his receipt of the Distinguished NEBRASKAlander Award.

2. That a copy of this resolution be given to Mr. Donald Keough.

Laid over.

LEGISLATIVE RESOLUTION 316. Introduced by Withem, 14.

WHEREAS, Daniel W. Gardner, former New York native, came to Nebraska in 1952 and has contributed greatly to Northeast Nebraska's economy and community, as well as to the entire State of Nebraska; and

WHEREAS, Mr. Gardner joined Milton G. Waldbaum in creating what has been known for over forty years as the most successful and innovative company in the egg and egg products industry; and

WHEREAS, Daniel Gardner was instrumental in building the company which began with 25 employees and now employs close to 900 people in Nebraska. In 1990, Michael Foods purchased the Waldbaum Company from the Gardner family, naming Dan Gardner as CEO of their combined egg companies; and

WHEREAS, Mr. Gardner also served as the Director of Midwest Egg Producers and served as Chairman in 1986 and 1987. He served as the Chairman of the International Trade Committee of the International Egg Commission from 1983 to 1995 and in 1995 became a lifetime honorary member of the International Egg Commission; and

WHEREAS, Mr. Gardner has also been a strong supporter of Northeast Nebraska as a trustee on Wayne State College Foundation. He has also served as National co-chairperson with his wife Jeanne for Wayne State College's national fund raising campaign. In 1991, Mr. Gardner established the Daniel W. Gardner Endowment for Athletic Scholarships; and

WHEREAS, Mr. Daniel W. Gardner will receive the Wagon Master Award on February 24, 1996, for his accomplishments in the business world and strong leadership in the community, in Nebraska, and for our nation.

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

1. That the Legislature extend congratulations to Mr. Daniel Gardner on his receipt of the Wagon Master Award.

2. That a copy of this resolution be given to Mr. Daniel Gardner.

Laid over.

LEGISLATIVE RESOLUTION 317. Introduced by Withem, 14.

WHEREAS, Paul Henson, who grew up on a dairy farm near Lincoln, Nebraska, is a living example of the Nebraska work ethic and the spirit of the Sower; and

WHEREAS, Mr. Henson graduated from the University of Nebraska and earned a degree in engineering. His first nonfarm job was with Lincoln Telephone and Telegraph Company in 1942 as a cable splicer's helper. This job was the beginning of his career in the telecommunications field; and

WHEREAS, Mr. Henson currently serves as the chairman of the board of Kansas City Southern Industries. Prior to his election to that position, he served as chairman of Sprint Corporation for more than 25 years. In 1959, Mr. Henson was instrumental in building the troubled United Utilities Company, which had the lowest dial service percentage of any major U.S. telephone company, into the very successful United Telecommunications; and

WHEREAS, Mr. Henson had the vision in the early 1970's about the great potential of fiber optics, and in 1984 proposed building a $2.5 billion nationwide fiber-optic network. In 1986, United Telecom merged with GTE Sprint corporation and by 1988, Sprint had fully implemented the nation's only all digital, all-fiber-optic network under Henson's leadership; and

WHEREAS, Mr. Henson continues to support the University of Nebraska as a trustee on the University Foundation. He also is very active in other civic organizations like the Midwest Research Institute and the Greater Kansas City Community Foundation; and

WHEREAS, Paul Henson will receive the distinguished Nebraska Sower Award on February 24, 1996, which is bestowed upon individuals who have contributed generously to the benefit of mankind and to the State of Nebraska.

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

1. That the Legislature extend congratulations to Mr. Paul Henson on his receipt of the Nebraska Sower Award.

2. That a copy of this resolution be given to Mr. Paul Henson.

Laid over.

LEGISLATIVE RESOLUTION 318. Introduced by Withem, 14.

WHEREAS, the Abel family has contributed greatly to the State of Nebraska and the city of Lincoln through their leadership, service, and support; and

WHEREAS, George P. Abel, Sr., founded the Abel Construction Company in 1910 and expanded the company into state and municipal paving, ready mixed concrete, concrete piping, steel reinforcing bars, railroading, and warehousing, in addition to bridge contracting. Hazel H. Abel, widow of George P. Abel, succeeded him as company president in 1937. Hazel Abel was also very involved in the community and she was the first Nebraska woman, and third female American, elected by popular vote to the United States Senate; and

WHEREAS, George P. Abel, Jr., continued the strong family business upon his return from army duty in World War II. He was aided by investments from his sisters, Helen Ragen, Hazel Tallman, Alice Abel, and Ann Bradbeer, which allowed him to expand the business into farming and ranching, limestone quarrying, bonding, and insurance along with many other areas; and

WHEREAS, James P. Abel, George P. Abel, Jr.'s son, succeeded him as chief executive officer in 1994. Under his leadership, the organization has expanded in real estate developments and increased the size and scope of construction paving operations. James P. Abel also instituted a landscaping and beautification program and provided products for the do-it-yourself market and light construction industry; and

WHEREAS, the Abel family and the Abel Foundation have also been extremely generous to the University of Nebraska by supporting the University of Nebraska Foundation, awarding grants to UNL for George P. Abel Residence Hall, Cook Pavilion, and Lied Center for Performing Arts. The Abel's have also supported the city of Lincoln with the Hazel Abel Park and Abel Stadium at Nebraska Wesleyan University and donating the land for the Walter Scott Engineering Center at UNL; and

WHEREAS, the Abel family will receive the Trailblazer Award on February 24, 1996, for their continued expansion, vision, and leadership in the State of Nebraska.

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

1. That the Legislature extend congratulations to the Abel family on their receipt of the Trailblazer Award.
2. That a copy of this resolution be given to the Abel family.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1134. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 seniors and teachers from Adam Central High School, Hastings and Woodriver High School; 25 ninth grade students and teachers from Dawes Middle School, Lincoln; six students from youth services in Lincoln; former Senator Tom Fitzgerald and granddaughters, Sarah, Laura, and Katie Sturm; delegates to the annual legislative conference of the State AFL-CIO; and John Cortinas and Mike Horgan from Omaha.

The Doctor of the Day was Dorothy Zink from Omaha.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Cudaback, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-EIGHTH DAY - FEBRUARY 15, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 15, 1996

Pursuant to adjournment, the Legislature met at 9:03 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Don Coleman Sr., Police Chaplain and Organizer Director of MAD DADS, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Chambers, Coordsen, Hilgert, Kristensen, Landis, Lindsay, Schrock, Warner, Wesely, Will, Mrs. Hudkins, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 1205. Placed on General File as amended.
Standing Committee amendment to LB 1205:
AM3189

1. Strike original sections 1 and 2 and insert the following new section:

"Section 1. The Board of Educational Lands and Funds shall prepare a plan for the sale of all educational lands over which the board has general management and control, which plan shall be submitted to the Education Committee of the Legislature on or before December 1, 1996. The plan shall comply with the fiduciary duties of the board, but shall provide for the sale of

ninety-five percent of all educational lands by January 1, 2012, and provide for the sale of the remaining five percent of all educational lands by such date unless the Legislature grants exemptions for specific parcels in which sale by such date would devalue the parcel. The plan shall be implemented beginning on July 1, 1997.".

2. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1371. Placed on General File as amended.
Standing Committee amendment to LB 1371:
AM3188

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 11, strike beginning with the first "and" through "equipment" and insert "services"; and in line 13 after the period insert "For purposes of this section, telecommunication services means services providing the transmission of voice, video, or data signals.".

(Signed) Ardyce Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 928. Indefinitely postponed.
LEGISLATIVE BILL 956. Indefinitely postponed.
LEGISLATIVE BILL 992. Indefinitely postponed.
LEGISLATIVE BILL 1133. Indefinitely postponed.
LEGISLATIVE BILL 1135. Indefinitely postponed.
LEGISLATIVE BILL 1223. Indefinitely postponed.
LEGISLATIVE BILL 1247. Indefinitely postponed.
LEGISLATIVE BILL 1303. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Agriculture

LEGISLATIVE BILL 1174. Placed on General File as amended.
Standing Committee amendment to LB 1174:
AM3174

1. On page 4, strike beginning with "which" in line 2 through "and" in line 3; in line 9 strike "the nearest" and insert "nearby"; and in lines 9 and 13 strike "facility" and insert "facilities".

2. On page 5, strike beginning with "found" in line 4 through "or" in line 7, show as stricken, and insert "other than the owner of the livestock, dead stock, or portions thereof, or the owner's employee, using a motor vehicle or trailer to transport

such stock"; in line 9 after "tenant" insert an underscored comma; strike beginning with "Any" in line 14 through the period in line 17; and in line 25 after the period insert "Any peace officer in the State of Nebraska, based upon reasonable cause to question the ownership of livestock being transported or the legality of the transport, may stop a motor vehicle or motor vehicle and trailer and request exhibition of any permit required by this section.".

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 952:
(Amendment, AM2888, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Maurstad filed the following amendments to LB 952:

(1)

AM3161

1. On page 2, line 9; and page 3, line 21, before "vehicle" insert "contributorially negligent".

(2)

AM3133

1. On page 2, lines 17 and 21; and page 4, lines 1 and 5, strike "economic".

(3)

AM3206

1. Insert the following new section:
"Sec. 2. Section 29-211, Reissue Revised Statutes of Nebraska, is amended to read:
29-211. (1) Each law enforcement agency within the State of Nebraska shall adopt and implement a written policy regarding the pursuit of motor vehicles. Such policy shall contain at least the following elements:
(a) ~~(1)~~ Standards which describe when a pursuit may be initiated, taking into consideration the nature and severity of the offense involved;
(b) ~~(2)~~ Standards which describe when a pursuit is to be discontinued, giving special attention to ~~(a)~~ (i) the degree of danger presented to the general public and the pursuing officer and ~~(b)~~ (ii) the probability of later apprehension of the subject based upon his or her identification;
(c) ~~(3)~~ Procedures governing the operation of pursuits including, but not limited to, the number and types of vehicles which may be used, the method of operation of such vehicles, and

the exercise of supervision during pursuits;

(d) ~~(4)~~ Procedures governing pursuits which include other law enforcement agencies or which extend into the jurisdiction of other law enforcement agencies; and

(e) ~~(5)~~ A system of mandatory continued planning and training of personnel appropriate and consistent with the policies and jurisdiction of the law enforcement agency regarding the proper handling of pursuits including, at a minimum, an annual review of the policy with each sworn law enforcement officer and dispatcher.

(2) It shall be the responsibility of each law enforcement agency within the State of Nebraska to ensure that all law enforcement officers who commence employment with such law enforcement agency receive specialized training in pursuit driving at the Nebraska Law Enforcement Training Center or at an equivalent training program approved by the Nebraska Police Standards Advisory Council.".

2. On page 4, line 24, after "13-911" insert ", 29-211,".

3. Renumber the remaining sections accordingly.

(4)

AM3134

1. On page 2, strike lines 13 through 20; and in line 21 strike "(3)" and insert "(2)".

2. On page 3, line 2, strike "(4)" and insert "(3)"; in line 5 strike "(5)" and insert "(4)"; and strike lines 25 through 28.

3. On page 4, strike lines 1 through 4; in line 5 strike "(3)" and insert "(2)"; in line 14 strike "(4)" and insert "(3)"; and in line 16 strike "(5)" and insert "(4)".

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture 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 Dry Bean Commission
Dale Eirich
F. John Holzfaster

VOTE: Aye: Senators Chambers, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, and Vrtiska. Nay: None. Absent: None.

(Signed) Merton L. Dierks, Chairperson

REPORT

The following report was received by the Legislature:

Roads, Department of
Highway Cash Fund and Roads Operation Cash Fund for January 1996 (Section 66-4,144, R.S. Supp. 1994)

GENERAL FILE

LEGISLATIVE BILL 1050. The Wickersham pending amendment, FA441, found in the Journal on page 790, to the second Standing Committee amendment, FA438, was renewed.

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

Pending.

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

Governor Appointments Monday, February 26, 1996 12:15 p.m.
Nebraska Public Employees Retirement Board
Julia M. Moeller
Robert R. Moran
Robert J. Corner

Wednesday, February 28, 1996 12:15 p.m.
Presentation of Actuarial Study of LB 528 - Buck Consultants Inc.

(Signed) Bob Wickersham, Chairperson

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 1144. Placed on General File as amended.
Standing Committee amendment to LB 1144:
AM3202

1. On page 2, line 7, after "employment" insert ", which shall be limited to the hiring of attorneys or negotiators necessary to represent the labor organization in the bargaining process and the reimbursement of actual expenses incurred by the collective bargaining unit in the bargaining process"; and in line 20 after "enforcement" insert "which is calculated by dividing such cost by the total number of member and nonmember employees represented by the labor organization".

(Signed) Chris Abboud, Chairperson

Urban Affairs

LEGISLATIVE BILL 1093. Placed on General File.

LEGISLATIVE BILL 1193. Placed on General File as amended.
Standing Committee amendment to LB 1193:
AM3207

1. On page 2, line 9, after "fingerprints" insert "and a written statement of permission authorizing the appointing authority to forward the fingerprints for identification"; and after line 22 insert the following new subsection:

"(3) Any fingerprints received by the commission or appointing authority pursuant to a request made under subdivision (2) of this section and any information in the custody of the commission or appointing authority resulting from inquiries or investigations made with regard to those fingerprints initiated by the commission or appointing authority shall not be a public record within the meaning of sections 84-712 to 84-712.09 and shall be withheld from the public by the lawful custodians of such information and shall only be released to those lawfully entitled to the possession of such information. Any member, officer, agent, or employee of the commission, appointing agent, or municipality who comes into possession of information gathered pursuant to subdivision (2) of this section shall be an official within the meaning of section 84-712.09.".

LEGISLATIVE BILL 1304. Placed on General File as amended.
Standing Committee amendment to LB 1304:
AM3208

1. Insert the following new section:

"Section 1. Section 18-132, Reissue Revised Statutes of Nebraska, is amended to read:

18-132. The legislative bodies of all cities and villages ~~are hereby empowered and authorized to~~ may adopt by ordinance the conditions, provisions, limitations, and terms of a plumbing code, an electrical code, a fire prevention code, a building code, and any other standard code which contains rules and regulations printed as a code in book or pamphlet form, by reference to such code, or portions thereof, alone, without setting forth in the ordinance the conditions, provisions, limitations, and terms of such code. When any such code, or portion thereof, ~~shall have~~ has been incorporated by reference into any ordinance, as ~~aforesaid~~ provided in this section, it shall have the same force and effect as though it had been spread at large in such ordinance without further or additional posting or publication thereof. Not less than one copy of such standard code, or portion thereof, shall be filed for use and examination by the public in the office of the clerk of such city or village prior to the adoption thereof. The adoption of any such standard code by reference shall be construed to incorporate such amendments thereto as may be made ~~therein~~ in

such standard code from time to time, if the copy of such standard code so filed ~~shall be~~ is at all times kept current in the office of the clerk of such city or village. If there is no ordinance adopting a plumbing code in effect in a city or village, the American National Standards Institute Uniform Plumbing Code, ANSI A40-1996, shall serve as the plumbing code for all the area within the jurisdiction of the city or village.".

2. On page 2, strike beginning with the comma in line 5 through the comma in line 6 and show as stricken.

3. On page 4, line 3, strike "section" and insert "sections 18-132 and".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1238. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Avery's birthday.

GENERAL FILE

LEGISLATIVE BILL 1050. The Wickersham pending amendment, FA441, found in the Journal on page 790 and considered in this day's Journal, to the second Standing Committee amendment, FA438, was renewed.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 11 nays, and 25 not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Abboud	Elmer	Kristensen	Schellpeper	Wehrbein
Bromm	Jensen	Matzke	Schmitt	Wickersham
Coordsen	Jones	Robak	Stuhr	Witek
Dierks	Klein			

Voting in the negative, 22:

Avery	Brashear	Hilgert	Maurstad	Schimek
Bernard-Stevens	Crosby	Hillman	Pedersen	Warner
Beutler	Engel	Janssen	Pirsch	Wesely
Bohlke	Fisher	Landis	Preister	Withem
	Hartnett	Lynch		

Present and not voting, 8:

Brown	Cudaback	Lindsay	Schrock	Vrtiska
Chambers	Hudkins	Robinson		

Excused and not voting, 2:

McKenzie Will

The Wickersham amendment lost with 17 ayes, 22 nays, 8 present and not voting, and 2 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. Wickersham offered the following amendment to the second Standing Committee amendment:
FA442
Amend FA438.
On page 22, in lines 7 and 24, strike "1990-91" and insert "1992-93".

MR. COORDSEN PRESIDING

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Wickersham amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The second Standing Committee amendment, FA438, as amended, was adopted with 25 ayes, 8 nays, 15 present and not voting, and 1 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 1203. Placed on General File as amended.
Standing Committee amendment to LB 1203:
AM3197

1. On page 3, line 24, strike "the effective date of this act" and insert "July 1, 1997".
2. On page 4, line 1, after the semicolon insert "and"; strike beginning with the semicolon in line 6 through "regulation" in line 8; in line 9 strike "(d)" and insert "(c)"; and in line 11 after the first "the" insert "Nebraska".

LEGISLATIVE BILL 1376. Placed on General File as amended.
Standing Committee amendment to LB 1376:
AM3193

1. Insert the following new section:
"Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".
2. On page 16, line 24, after "bonds" insert "within two years after the effective date of this act".

LEGISLATIVE BILL 1071. Indefinitely postponed.
LEGISLATIVE BILL 1086. Indefinitely postponed.

LEGISLATIVE RESOLUTION 90. Indefinitely postponed.

(Signed) David Landis, Chairperson

Judiciary

LEGISLATIVE BILL 1100. Placed on General File.
LEGISLATIVE BILL 1346. Placed on General File.

LEGISLATIVE BILL 957. Placed on General File as amended.
Standing Committee amendment to LB 957:
AM3213

1. Strike the original sections and insert the following new sections:
"Section 1. Section 28-1012, Reissue Revised Statutes of Nebraska, is amended to read:
28-1012. (1) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

(2) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed in sections 29-422 to 29-429.

(3) Any animal, equipment, device, or other property or things involved in any violation of section 28-1009 or 28-1010 shall be subject to seizure, and distribution or disposition may be made in such manner as the court may direct.

(4) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

Sec. 2. Original section 28-1012, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 1285. Indefinitely postponed.
LEGISLATIVE BILL 1348. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

NOTICE OF COMMITTEE HEARING
General Affairs

LB 910	Monday, February 26, 1996	1:30 p.m.
LB 1045	Monday, February 26, 1996	1:30 p.m.
LB 1239	Monday, February 26, 1996	1:30 p.m.
LB 1297	Monday, February 26, 1996	1:30 p.m.
LB 1340	Monday, February 26, 1996	1:30 p.m.

Governor Appointments Monday, February 26, 1996 1:30 p.m.
Nebraska Arts Council
Janet Korell
Nebraska Advisory Commission on Compulsive Gambling
Matthew Pelzer
Vernon Scott
William Williams
State Electrical Board
Sterling Johnson

(Signed) Stan Schellpeper, Chairperson

MOTION - Bracket LB 952

Mr. Withem moved, pursuant to Rule 6 - 3(e), to bracket LB 952 until June 4, 1996.

Laid over.

AMENDMENT - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1141:
AM3225

1. Insert the following new sections:

"Sec. 2. Section 83-925.07, Revised Statutes Supplement, 1995, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be ~~replaced~~ supplemented with purchased community-based evaluation services. ~~The replacement shall be completed by December 31, 1996.~~ All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a

city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 4. The following section is outright repealed: Section 83-4,104.01, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 28, strike "is" and insert "and section 83-925.07, Revised Statutes Supplement, 1995, are".

3. Renumber the remaining section accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1108. Placed on Select File as amended.
E & R amendment to LB 1108:
AM7197

1. Insert the following new section:

"Sec. 9. Section 71-1,147.56, Revised Statutes Supplement, 1994, is amended to read:

71-1,147.56. The public health clinic worker shall demonstrate proficiency, according to the standards determined by the department, to the consultant pharmacist upon completion of training. Documentation of proficiency shall be maintained in the employee's personnel file and in the policy and procedure manual.

The public health clinic worker shall be supervised with documentation by one of the licensed ~~or certified~~ health care professionals specified in subdivision (1) of section 71-1,147.53 for the first month that dispensing of authorized refills of oral contraceptives occurs. 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.

Following initial training and proficiency demonstration, the public health clinic worker shall demonstrate proficiency to the consultant pharmacist at least annually or as requested by the consultant pharmacist.

The public health clinic worker shall attend a two-hour inservice program regarding oral contraceptives taught by a pharmacist at least once a year, and more often as necessary, with documentation of attendance maintained in the employee's personnel file and in the policy and procedure manual.".

2. On page 1, line 4; and page 26, line 1, after the last comma insert "71-1,147.56,".

3. On page 2, line 15, strike "Educational" and insert

"Health Education".

4. On page 13, line 19, strike "certified", show as stricken, and insert "licensed".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 967. Placed on Select File as amended.
E & R amendment to LB 967:
AM7192

1. Insert the following new section:

"Sec. 3. Section 79-426.19, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.19. Within thirty days after the classification by the county superintendent of schools of the reorganized school districts, the county reorganization committee shall appoint from among the qualified electors of each new school district created the number of members necessary to constitute a school board or board of education of the class in which the new school district has been classified. A reorganized school district shall be formed and organized and shall have a governing board not later than April 1 following the last legal action, as prescribed in section 79-426.18, necessary to effect the changes in boundaries as set forth in the plan of reorganization although the physical reorganization of such reorganized school district may not take effect until June 1. The first board shall be appointed on an at-large basis, and all boards shall be elected at large until such time as school districts are established as provided in section 32-554. If the new school district involves territory lying in two or more counties, the school board or board of education shall be appointed by the joint action of the county reorganization committees involved.

In appointing the first board of a Class II school district, the members shall be appointed so that the terms of three members ~~shall~~ expire on the ~~first Tuesday in June of the first even-numbered year~~ date of the first regular meeting of the board in January after the first even-numbered year following their appointment and the terms of the three remaining members ~~shall~~ expire on the ~~first Tuesday in June of~~ date of the first regular meeting of the board in January after the second even-numbered year following their appointment. At the statewide ~~primary~~ general election in the first even-numbered year after the reorganization, there shall be elected in each Class II school district three board members to terms of four years, and thereafter all candidates shall be elected to terms of four years. Each member's term shall begin on the ~~first Tuesday in June~~ date of the first regular meeting of the board in January following his or her election.

In appointing the first board of a Class III school district with a six-member board serving terms of four years, the terms of three members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year

following their appointment and the terms of the three remaining members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

In appointing the first board of a Class III school district with a nine-member board serving terms of four years, the terms of four members shall expire on the first Thursday after the first Tuesday in January after the first even-numbered year following their appointment and the terms of five members shall expire on the first Thursday after the first Tuesday in January after the second even-numbered year following their appointment.

Thereafter all Class III school boards shall be elected to terms of four years.

The school board or board of education so appointed shall proceed at once to organize in the manner prescribed by law.".

2. On page 1, line 1, strike "section" and insert "sections 79-426.19 and"; in line 2 strike "section 32-542" and insert "sections 32-542 and 32-606"; and in line 5 after the semicolon insert "to provide an operative date;".

3. On page 2, line 19, strike "effective" and insert "operative".

4. On page 4, line 23, strike "section" and insert "sections 79-426.19 and".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1072. Placed on Select File as amended.
E & R amendment to LB 1072:
AM7196

1. On page 4, line 15, before "Social" insert "federal".

LEGISLATIVE BILL 938. Placed on Select File as amended.
E & R amendment to LB 938:
AM7198

1. On page 2, line 4, strike "driver's", show as stricken, and insert "drivers' ".

2. On page 3, line 14; and page 6, line 16, strike "Part" and insert "49 C.F.R. part".

3. On page 4, lines 3 and 5, strike the new matter, reinstate the stricken matter, and before the reinstated "part" insert "49 C.F.R."; and in lines 18 and 26 before "391" insert "part".

3. On page 6, line 17, strike "(1)" and insert "(a)"; and in line 19 strike "(2) such driver" and insert "(b)".

LEGISLATIVE BILL 1073. Placed on Select File as amended.
E & R amendment to LB 1073:
AM7199

1. On page 1, lines 1 and 2, strike "and state identification cards"; and in line 4 after "requirements" insert

"for an operator's license or a state identification card".

LEGISLATIVE BILL 905. Placed on Select File as amended.
E & R amendment to LB 905:
AM7201

1. On page 2, strike beginning with "Revised" in line 16 through "1995" in line 17 and insert "Reissue Revised Statutes of Nebraska".

2. On page 8, lines 9 and 10 and 25 and 26, strike "Revised Statutes Supplement, 1994" and insert "Reissue Revised Statutes of Nebraska".

3. On page 12, strike beginning with "A" in line 7 through line 8 and insert "The citation shall".

LEGISLATIVE BILL 906. Placed on Select File as amended.
E & R amendment to LB 906:
AM7200

1. On page 1, strike beginning with "the" in line 1 through line 4 and insert "laws; to amend sections 49-506 and 49-617, Revised Statutes Supplement, 1995; to require distribution of session laws to inmate libraries and the Tax Equalization and Review Commission; to require distribution of legislative journals and state statutes to the Tax Equalization and Review Commission; and to repeal the original sections.".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1050. The third Standing Committee amendment, FA437, on file and referred to on page 784, was considered.

MRS. CROSBY PRESIDING

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

Mr. Bernard-Stevens moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The third Standing Committee amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The fourth Standing Committee amendment, FA440, on file and referred to on page 785, was considered.

Mr. Withem requested a division of the question on the fourth Standing Committee amendment.

The Chair sustained the division of the question.

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

The fifth Standing Committee amendment is as follows:
Section 14 on page 41 of AM3077 regarding incentive payments for reorganized districts; and
Sections 25 through 32 on pages 59 through 69 of AM3077 regarding options for employees involved in school district reorganizations and funds for reorganization studies.
(Amendment on file in the Clerk's Office - Room 2018 - FA443.)

The sixth Standing Committee amendment is as follows:
All other provisions of FA440
(Amendment on file in the Clerk's Office - Room 2018 - FA444.)

The fifth Standing Committee amendment, FA443, on file and referred to in this day's Journal, was considered.

Messrs. Klein, Warner, Jones, Schmitt, Robinson, and Schrock asked unanimous consent to be excused. No objections. So ordered.

The fifth Standing Committee amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

MOTION - Suspend Rules

Mr. Withem moved to suspend the rules, Rule 4, Sec 6, to permit consideration of LRs 319, 320, and 321.

The Withem motion to suspend the rules prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 319. Introduced by Abboud, 12.

WHEREAS, Omaha Duchesne Academy of the Sacred Heart has been named a Blue Ribbon School by the United States Department of Education; and

WHEREAS, Duchesne Academy is one of only two schools in Nebraska so honored and is one of only fifty private schools in the United States so honored; and

WHEREAS, Duchesne Academy is one of six hundred thirty-four private schools honored since the award's inception in 1982; and

WHEREAS, Duchesne Academy has been recognized for excellence in teaching and instruction, student achievement, leadership, and parental involvement.

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

1. The Legislature congratulates the students and faculty of Omaha Duchesne Academy of the Sacred Heart for the school's award and achievements.

2. A copy of this resolution shall be sent to Duchesne Academy.

LEGISLATIVE RESOLUTION 320. Introduced by Abboud, 12; Brown, 6; Jensen, 20.

WHEREAS, Omaha Westside High School has been named a Blue Ribbon School by the United States Department of Education; and

WHEREAS, Westside High School is one of only two schools in Nebraska so honored; and

WHEREAS, Westside High School has been recognized for excellence in teaching and instruction, student achievement, leadership, and parental involvement.

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

1. The Legislature congratulates the students and faculty of Omaha Westside High School for the school's award and achievements.

2. A copy of this resolution shall be sent to Westside High School.

LEGISLATIVE RESOLUTION 321. Introduced by Wesely, 26; Bromm, 23; Abboud, 12.

WHEREAS, the people of Wahoo, Nebraska, are among the friendliest and most fun-loving people in the nation; and

WHEREAS, it is believed that "Wahoo" is a reference to the burning bushes along creek beds, a fact little known to Americans, which "The Late Show" could rectify; and

WHEREAS, a "home office" designation for Wahoo by "The Late Show with David Letterman" would let people know that "Wahoo" is more than merely a name for a town, it is an expression of the joy felt by those visitors to that fair city; and

WHEREAS, Wahoo has a fine transportation system, including one railroad, one busline, two paved highways, and an airport with both a grass and a paved runway; and

WHEREAS, the speed limit is likely to be raised in Nebraska, which may be of great interest to "The Late Show" host, David Letterman; and

WHEREAS, a home office designation for Wahoo would allow Mr. Letterman to yell "Wahoo!" each night on "The Late Show"; and

WHEREAS, a home office designation for Wahoo would permanently settle the question of whether more people say "Waah" or "Wahoo"; and

WHEREAS, the world's best hot dogs, "Wahoo wieners", would be delivered to the world's best hot dog, "The Late Show" host David Letterman, as part of Nebraska's economic development efforts; and

WHEREAS, the Wahoo high school basketball team won 114 straight games in the 1990s, which is the 3rd longest winning streak in the nation; and

WHEREAS, Nebraska is the home of Johnny Carson, from whom Mr. Letterman has assumed the mantle of most favored late night talk show host.

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

1. That the Legislature calls on David Letterman and "The Late Show" to proclaim Wahoo, Nebraska, as the new "Late Show" home office.

2. That a copy of this resolution be sent to David Letterman at the CBS Television Network.

Pursuant to Rule 4, Section 5, LRs 319, 320, and 321 were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 14, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather	
Campbell, Mary M. - Lincoln	University of Nebraska
Krueger, Gayle E. - Lincoln	AIA, Nebraska
O'Hara & Associates, Inc.	
O'Hara, Paul V. - Lincoln	Nucor Corporation
Scarpello, Sam M. - Omaha	Nebraska State Utility Workers Conference
	Omaha Building & Construction Trades Council
Setzepfandt, Scott - Lakeville, MN	HLR Service
Skochdopole, R. A. - Omaha	Alegent Health
Weber, Diane M. - Omaha	Parents' Rights for the Benefit of Children

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 1050:
(Amendment, AM3131, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Dierks filed the following amendment to LB 1108:
AM3212

1. On page 6, after line 1, insert the following new subsection:

"(5) A physician assistant holding a certificate issued under this section prior to the effective date of this act may continue to practice under the certificate until it expires and shall be considered licensed for purposes of the statutes and rules and regulations of Nebraska. Upon expiration of the certificate, the physician assistant may apply for a license and shall be granted a license if he or she would otherwise qualify for renewal of a certificate prior to the effective date of this act. Any reference to certified physician assistant in the rules and regulations of the Department of Health prior to the effective date shall be construed to refer to licensed physician assistant until changed by the department.".

RESOLUTION

LEGISLATIVE RESOLUTION 322. Introduced by Withem, 14; Cudaback, 36.

WHEREAS, More Than You Ever Imagined reflects the variety of 4-H programming and the diversity of the lives and backgrounds that 4-H touches throughout our state; and

WHEREAS, 4-H creates supportive environments for culturally diverse youth and adults to reach their fullest potential; and

WHEREAS, 4-H's innovative programs meet the evolving needs of our nation's diverse suburban and urban youth while continuing to fulfill the needs of young people in rural Nebraska; and

WHEREAS, through the support and investment of volunteers and staff, these diverse groups of youth participate in 4-H, preparing for the future as they learn to use their time productively, explore their interests in 4-H's "hands-on" activities, and adopt leadership roles in their communities thereby contributing to "The Good Life" in Nebraska.

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

1. That the Legislature declares October 6th through 12th, 1996, as Nebraska 4-H Week.

2. That the Legislature encourages all youth to join a 4-H club in their communities and encourages all Nebraskans to join the Legislature in expressing great appreciation to all 4-H leaders and extension staff for helping our youth become "more than you ever imagined" through 4-H.

3. That a copy of this resolution be sent to Delwyn Dearborn, the State 4-H Program Leader, and all other educational programming units in the state.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 1205. No objections. So ordered.

VISITORS

Visitors to the Chamber were Wilber Hubbell from Louisville; Carol Keller and Janice Fonda from Omaha; Gerard and Romana Preister from Columbus; Rod Hassebrook from Platte Center; and a group from the Beatrice Chamber of Commerce.

The Doctor of the Day was Hugh Holmquist from Burwell.

ADJOURNMENT

At 12:04 p.m., on a motion by Mrs. Stuhr, the Legislature adjourned until 9:00 a.m., Tuesday, February 20, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY - FEBRUARY 20, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 1996

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Christy Dowdy, Antelope Park Church of the Brethren, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Matzke and Will who were excused; and Messrs. Abboud, Avery, Beutler, Chambers, Dierks, Kristensen, Landis, Lindsay, Schellpeper, Warner, Mmes. Brown, Hillman, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 1104. Placed on General File.
LEGISLATIVE BILL 1134. Placed on General File.
LEGISLATIVE BILL 1191. Placed on General File.
LEGISLATIVE BILL 1229. Placed on General File.
LEGISLATIVE BILL 1305. Placed on General File.

LEGISLATIVE BILL 1026. Placed on General File as amended.
Standing Committee amendment to LB 1026:
AM3195
1 1. On page 4, strike beginning with "utilized" in line 3

through line 6 and insert "engaged in harvesting, while being transported into or through this state and driven during daylight hours by a truck-tractor semitrailer combination, but the length of the semitrailer, including overhang, shall not exceed sixty-three feet, and the maximum semitrailer length shall not exceed fifty-three feet;".

LEGISLATIVE BILL 1118. Placed on General File as amended.
Standing Committee amendment to LB 1118:
AM3194

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. Section 86-1003, Reissue Revised Statutes of Nebraska, is amended to read:

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 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~~ The 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.

(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.

(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 shall be the same as the amount allowed in subsections (1) and (2) of this section.

(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. Original section 86-1003, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 1158. Placed on General File as amended.
Standing Committee amendment to LB 1158:
AM3196

1. On page 2, line 14; and page 3, line 13, after "year" insert "from the date ordered by the court".

LEGISLATIVE BILL 1218. Placed on General File as amended.
(Standing Committee amendment, AM3180, 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 1264. Placed on General File as amended.
Standing Committee amendment to LB 1264:
AM3179

1. On page 2, line 14, after "Department" insert ". The design shall be selected on the basis of (a) enhancing the marketability of spirit plates to supporters of University of Nebraska Cornhuskers athletic programs and (b) limiting the manufacturing cost of each spirit plate to an amount less than or equal to the amount charged for license plates pursuant to subsection (5) of section 60-311".

2. On page 3, after line 18, insert the following new subsection:

"(2) If the cost of manufacturing spirit plates at any time exceeds the amount charged for license plates pursuant to subsection (5) of section 60-311, any money to be credited to the Spirit Plate Proceeds Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the

manufacturing costs of such spirit plates and the amount charged pursuant to subsection (5) of section 60-311 with respect to such spirit plates and the remainder shall be credited to the Spirit Plate Proceeds Fund."; and in line 19 strike "(2)" and insert "(3)" and after "fund" insert "and not credited to the Highway Trust Fund".

4. On page 4, line 5, strike "(3)" and insert "(4)" and strike "fund" and insert "Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund"; in line 10 strike "(4)" and insert "(5)" and strike "fund" and insert "Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund" and strike beginning with "used" in line 11 through line 15 and insert "divided equally between the campuses of the state college system and the University of Nebraska for the repair, maintenance, upkeep, and improvement of athletic facilities at any campus.".

LEGISLATIVE BILL 1306. Placed on General File as amended.
Standing Committee amendment to LB 1306:
AM3211

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 16, after the period insert "Only a salvage certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle.".

LEGISLATIVE BILL 916. Indefinitely postponed.
LEGISLATIVE BILL 920. Indefinitely postponed.
LEGISLATIVE BILL 946. Indefinitely postponed.
LEGISLATIVE BILL 1006. Indefinitely postponed.
LEGISLATIVE BILL 1027. Indefinitely postponed.
LEGISLATIVE BILL 1064. Indefinitely postponed.
LEGISLATIVE BILL 1065. Indefinitely postponed.
LEGISLATIVE BILL 1103. Indefinitely postponed.
LEGISLATIVE BILL 1137. Indefinitely postponed.
LEGISLATIVE BILL 1175. Indefinitely postponed.
LEGISLATIVE BILL 1288. Indefinitely postponed.
LEGISLATIVE BILL 1291. Indefinitely postponed.
LEGISLATIVE BILL 1308. Indefinitely postponed.
LEGISLATIVE BILL 1309. Indefinitely postponed.
LEGISLATIVE BILL 1357. Indefinitely postponed.
LEGISLATIVE BILL 1358. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

ANNOUNCEMENTS

Mr. Will designates LB 590 as his priority bill.

Mr. Coordsen designates LB 1114 as his priority bill.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 319, 320, and 321.

GENERAL FILE

LEGISLATIVE BILL 1050. The sixth Standing Committee amendment, FA444, on file and referred to on page 822, was considered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The sixth Standing Committee amendment was adopted with 25 ayes, 2 nays, 7 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

MRS. CROSBY PRESIDING

Messrs. Avery, Coordsen, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 2 nays, 11 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.

AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 1050:
AM3250
(Amendments to Standing Committee amendments, AM3077)

1. Insert the following new sections:

"Sec. 34. (1) The Legislature finds and declares that:

(a) The Tax Equity and Educational Opportunities Support Act is based on the premise that funds available to school districts should not be solely based on a district's local property tax base; and

(b) School districts' ability to retire bonded indebtedness for purposes of capital construction of school facilities is virtually entirely based on their individual local

property tax base.

(2) It is the intent, purpose, and goal of the Legislature to create a system of financing the retirement of bonded indebtedness of school districts which will:

(a) Increase the equalization of financial support for bonded debt retirement by provision of state assistance taking into consideration the needs and accessible resources of school districts relative to debt retirement;

(b) Reduce the reliance on property tax for the retirement of school district bonded indebtedness; and

(c) Minimize the adverse effect on the general fund state aid equalization process embodied in the Tax Equity and Educational Opportunities Support Act.

Sec. 35. For purposes of sections 34 to 39 of this act:

(1) Adjusted valuation has the meaning found in section 79-3803;

(2) Average daily membership has the meaning found in section 79-3803;

(3) Data year means the school fiscal year immediately preceding the year in which the school bond state aid is to be paid;

(4) Department means the State Department of Education;

(5) Eligible school district means any public school district but does not include any Class II, III, IV, V, or VI school district in which a high school has fewer than fifty students enrolled in grades nine through twelve and which is within fifteen miles of another public high school;

(6) Scheduled debt retirement payments means the amount required to be paid, by fiscal year, in principal and in interest for the retirement of school district bonded indebtedness incurred pursuant to Chapter 10; and

(7) School bond state aid shall mean the amount of assistance paid to a district pursuant to sections 34 to 39 of this act.

Sec. 36. Beginning in school fiscal year 1997-98, a portion of the funds appropriated for distribution as allocated income tax funds shall be used to support the public school system by assisting qualifying school districts in the retirement of new or existing bonded indebtedness incurred pursuant to Chapter 10. The total amount provided as school bond state aid in any fiscal year shall not exceed ten percent of the total appropriation of funds appropriated for distribution as allocated income tax funds for that fiscal year.

Sec. 37. Beginning in 1997, no later than June 1 of each year eligible school districts may submit an application for assistance under sections 34 to 39 of this act to the department. Such application shall include the scheduled debt retirement payments for which the district is seeking assistance, as well as any other information the department requires to administer such

sections. School districts not submitting an application prior to such date shall not be eligible for assistance pursuant to such sections for the ensuing fiscal year.

Sec. 38. Using the data certified by eligible school districts pursuant to section 37 of this act, the department shall calculate each district's school bond state aid pursuant to sections 34 to 39 of this act and shall certify the ensuing fiscal year's assistance to each eligible school district no later than July 1. Such amounts shall be distributed in a single payment on the last business day of September of each year. Such certified school bond state aid amount shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's debt retirement fund budget statement as provided to the Auditor of Public Accounts pursuant to Chapter 13 and section 79-3815.

Sec. 39. (1) The department shall calculate each eligible school district's adjusted valuation per student by dividing the district's adjusted valuation from the data year by the district's average daily membership from the data year.

(2) The department shall calculate the state average adjusted valuation per student by dividing the unduplicated statewide total adjusted valuation in the data year by the statewide total average daily membership in the data year.

(3) The department shall calculate an assistance factor for each eligible school district by comparing that district's adjusted valuation per student to the statewide average adjusted valuation per student. A linear transition shall be used such that (a) any school district with adjusted valuation per student of one-half the state average adjusted valuation per student or less shall be assigned a factor of forty percent, (b) any school district with adjusted valuation per student equal to the statewide average adjusted valuation per student shall be assigned a factor of twenty percent, and (c) a school district with adjusted valuation per student of two times the state average adjusted valuation per student or more shall be assigned a factor of zero percent.

(4) The department shall multiply each eligible district's assistance factor calculated pursuant to subsection (3) of this section by the district's scheduled debt retirement payments for the ensuing fiscal year to arrive at each district's preliminary school bond state aid amount.

(5) If the total preliminary school bond state aid calculated pursuant to subsection (4) of this section exceeds ten percent of the total appropriation of funds appropriated for distribution as allocated income tax funds for the ensuing year, the department shall prorate each eligible district's school bond state aid by multiplying each district's preliminary school bond state aid by the same prorate factor.".

2. On page 22, line 9, after "act" insert "and as school

bond state aid as determined under sections 34 to 39 of this act".

3. On page 24, after line 11, insert the following new subsection:

"(4) For calculations beginning with school year 1997-98, the department shall reduce the allocated income tax funds calculated for each district pursuant to this section proportionately such that the total amount paid as allocated income tax funds for the school year does not exceed the total amount appropriated for distribution as allocated income tax funds less the amount calculated as school bond state aid pursuant to sections 34 to 39 of this act.".

4. On page 70, line 21, strike "37" and insert "43".

5. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1145. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENTS

Mr. Wickersham designates LB 1085 as his priority bill.

Mr. Dierks designates LB 1201 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1205. Title read. Considered.

Standing Committee amendment, AM3189, found in the Journal on page 807, was considered.

Mr. Warner offered the following amendment to the Standing Committee amendment:
AM3248

(Amendments to Standing Committee amendments, AM3189)

1. On page 1, line 7, strike "1996" and insert "1997"; in line 9 strike "2012" and insert "2013"; and in line 14 strike "1997" and insert "1998" and after the first period insert

"The state investment officer shall prepare a plan for investment of the funds derived from the sale of educational lands under the board's plan developed under this section, which plan shall be submitted to the Education Committee of the Legislature on or before December 1, 1997. The plan shall include estimated rates of return for the invested funds.".

Messrs. Landis and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Warner requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Warner amendment, to the Standing Committee amendment, is as follows:

FA447

(Amendments to Standing Committee amendments, AM3189)

"The state investment officer shall prepare a plan for investment of the funds derived from the sale of educational lands under the board's plan developed under this section, which plan shall be submitted to the Education Committee of the Legislature on or before December 1, 1997. The plan shall include estimated rates of return for the invested funds.".

Mr. Warner asked unanimous consent to replace his pending amendment, FA447, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his amendment, FA447.

The first Warner substitute amendment, to the Standing Committee amendment, is as follows:

FA449

(Amendments to Standing Committee amendments, AM3189)

"The state investment officer shall prepare a plan for investment of the funds derived from the sale of educational lands under the board's plan developed under this section, which plan shall be submitted to the Education Committee of the Legislature on or before December 1, 1996. The plan shall include estimated rates of return for the invested funds.".

The first Warner substitute amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

The second Warner amendment, to the Standing Committee amendment, is as follows:

FA448

(Amendments to Standing Committee amendments, AM3189)

1. On page 1, line 7, strike "1996" and insert "1997"; in line 9 strike "2012" and insert "2013"; and in line 14 strike "1997" and insert "1998" and after the first period insert

The second Warner amendment lost with 7 ayes, 18 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

LEGISLATIVE BILL 964. Considered.

Mr. Withem renewed his pending amendment, AM3075, found in the Journal on page 764.

The Withem amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 9 nays, 8 present and not voting, and 3 excused and not voting.

MOTION - Return LB 414 to Select File

Mr. Withem moved to return LB 414 to Select File for the Withem-Wesely specific amendment, AM2990, found in the Journal on page 697.

The Withem motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 414. The Withem-Wesely specific amendment, AM2990, found in the Journal on page 697, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 414A to Select File

Mr. Withem moved to return LB 414A to Select File for the following specific amendment:
AM3242

1. Insert the following new section:

"Sec. 2. (1) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1995, becomes law, the unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 20, Department of Health and Human Services Regulation and Licensure, Program 178, Bureau of Examining Boards, for FY1996-97.

(2) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1995, becomes law, the salary limit remaining on December 31, 1996, shall be transferred to Agency 20, Department of Health and Human Services Regulation and Licensure, Program 178, Bureau of Examining Boards, for FY1996-97.

(3) This section is operative January 1, 1997.".

The Withem motion to return prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 414A. The Withem specific amendment, AM3242, found in this day's Journal, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. COORDSEN PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 315. Read. Considered.

LEGISLATIVE RESOLUTION 316. Read. Considered.

LEGISLATIVE RESOLUTION 317. Read. Considered.

LEGISLATIVE RESOLUTION 318. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 315, 316, 317, and 318 were adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE RESOLUTION 322. Read. Considered.

LR 322 was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

MOTION - Approve Appointments

Mr. Warner moved the adoption of the report of the Revenue Committee for the following Governor appointments found in the Journal on page 742: Mark P. Reynolds, Janet L. Edwards, and Robert L. Hans - Tax Equalization and Review Commission.

Voting in the affirmative, 25:

Avery	Dierks	Lynch	Schimek	Wehrbein
Brashear	Engel	Maurstad	Schmitt	Wesely
Brown	Hillman	McKenzie	Stuhr	Wickersham
Coordsen	Jensen	Pedersen	Vrtiska	Witek
Crosby	Kristensen	Preister	Warner	Withem

Voting in the negative, 0.

Present and not voting, 19:

Abboud	Bromm	Fisher	Janssen	Pirsch
Bernard-Stevens	Chambers	Hartnett	Jones	Robinson
Bohlke	Cudaback	Hilgert	Klein	Schellpeper
	Elmer	Hudkins	Lindsay	Schrock

Excused and not voting, 5:

Beutler	Landis	Matzke	Robak	Will

These appointments were confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following Governor appointment found in the Journal on page 785: Judith A. Schweikart - State Highway Commission.

Voting in the affirmative, 25:

Brashear	Engel	Kristensen	Preister	Warner
Brown	Hilgert	Lynch	Schimek	Wesely
Coordsen	Hillman	Maurstad	Schmitt	Wickersham
Crosby	Jensen	McKenzie	Stuhr	Witek
Dierks	Klein	Pedersen	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 19:

Abboud	Bohlke	Elmer	Janssen	Robinson
Avery	Bromm	Fisher	Jones	Schellpeper
Bernard-Stevens	Chambers	Hartnett	Lindsay	Schrock
	Cudaback	Hudkins	Pirsch	Wehrbein

Excused and not voting, 5:

Beutler	Landis	Matzke	Robak	Will

The appointment was confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 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 787: Doc Kloepping and John Feller - Nebraska Educational Lands and Funds.

Voting in the affirmative, 25:

Avery	Engel	Lynch	Schimek	Wehrbein
Bohlke	Hilgert	Maurstad	Schmitt	Wesely
Coordsen	Hillman	McKenzie	Stuhr	Wickersham
Crosby	Jensen	Pedersen	Vrtiska	Witek
Dierks	Klein	Preister	Warner	Withem

Voting in the negative, 0.

Present and not voting, 19:

Abboud	Bromm	Elmer	Janssen	Pirsch
Bernard-Stevens	Brown	Fisher	Jones	Robinson
	Chambers	Hartnett	Kristensen	Schellpeper
Brashear	Cudaback	Hudkins	Lindsay	Schrock

Excused and not voting, 5:

Beutler	Landis	Matzke	Robak	Will

These appointments were confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Wickersham moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointment found in the Journal on page 802: DiAnn Petersen - Nebraska Investment Council.

Voting in the affirmative, 26:

Avery	Hilgert	Lindsay	Schimek	Wehrbein
Brashear	Hillman	Maurstad	Schmitt	Wesely
Brown	Jensen	McKenzie	Stuhr	Wickersham
Coordsen	Klein	Pedersen	Vrtiska	Witek
Dierks	Kristensen	Preister	Warner	Withem
Engel				

Voting in the negative, 0.

Present and not voting, 18:

Abboud	Bromm	Elmer	Janssen	Robinson
Bernard-Stevens	Chambers	Fisher	Jones	Schellpeper
Bohlke	Crosby	Hartnett	Lynch	Schrock
	Cudaback	Hudkins	Pirsch	

Excused and not voting, 5:

Beutler	Landis	Matzke	Robak	Will

The appointment was confirmed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following Governor appointments found in the Journal on page 810: Dale Eirich and F. John Holzfaster - Nebraska Dry Bean Commission.

Voting in the affirmative, 26:

Abboud	Engel	Jones	Maurstad	Schmitt
Avery	Hilgert	Klein	McKenzie	Stuhr
Brashear	Hillman	Kristensen	Pedersen	Warner
Coordsen	Janssen	Lindsay	Preister	Wehrbein
Crosby	Jensen	Lynch	Schimek	Wickersham
Dierks				

Voting in the negative, 0.

Present and not voting, 18:

Bernard-Stevens	Brown	Fisher	Robinson	Wesely
Bohlke	Chambers	Hartnett	Schellpeper	Witek
Bromm	Cudaback	Hudkins	Schrock	Withem
	Elmer	Pirsch	Vrtiska	

Excused and not voting, 5:

Beutler	Landis	Matzke	Robak	Will

These appointments were confirmed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Executive Board

LR 276CA Thursday, February 29, 1996 1:30 p.m.

(Signed) George Coordsen, Chairperson

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 1205:
AM2867

1. Strike original section 5 and insert the following new section:

"Sec. 5. Section 72-259, Reissue Revised Statutes of Nebraska, is amended to read:

72-259. (1) The Board of Educational Lands and Funds shall deposit the proceeds of ~~such~~ the sales of educational lands ~~shall be deposited by the Board of Educational Lands and Funds~~ with the State Treasurer for the benefit of the various funds as provided in this section.

(2) The proceeds of the sales of common school and saline educational lands shall be deposited with the State Treasurer for the benefit of the permanent school fund of the state.

(3) The proceeds of the sales of university educational trust lands shall be deposited with the State Treasurer for the benefit of the Permanent Endowment Fund referred to in section 85-123.

(4) The proceeds of the sales of state college educational trust lands shall be deposited with the State Treasurer for the benefit of the endowment fund referred to in section 85-317. ~~permanent school fund of the state.~~".

Mr. Wickersham filed the following amendment to LB 1205:
FA445

Amend AM3189
line 14 after period add
Any sale under this section shall not include mineral rights.

Messrs. Withem and Wesely filed the following amendment to LB 1205:
FA446

amend Committee Amendment, AM3189, as follows:
Strike from "beginning" on line 13 through "1997" on line 14 and insert "upon approval of such plan by the Legislature."

Mr. Kristensen filed the following amendment to LB 464:
(Amendment, AM3178, 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 filed the following amendment to LB 1141:
AM3241

1. Insert the following new sections:

"Sec. 2. Section 83-925.07, Revised Statutes Supplement,

1995, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be ~~replaced~~ supplemented with purchased community-based evaluation services. The community-based evaluation services shall replace the evaluation services available at the Youth Diagnostic and Rehabilitation Center by December 31, 1999. ~~The replacement shall be completed by December 31, 1996.~~ All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 4. The following section is outright repealed: Section 83-4,104.01, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 28, strike "is" and insert "and section 83-925.07, Revised Statutes Supplement, 1995, are".

3. Renumber the remaining section accordingly.

Mr. Jensen filed the following amendment to LB 1001:
AM3236

1. Insert the following new sections:

"Section 1. Section 43-102, Revised Statutes Supplement, 1995, is amended to read:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption signed and sworn to by the person or persons desiring to adopt, the consent or consents required by section 43-104 or 43-104.07, the documents required by section 43-104.07, or the documents required by sections 43-104.08 to 43-104.24, and a completed preplacement adoptive home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(ii), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after an adoptive home study has been completed by the department or a licensed child placement agency.

Sec. 4. Sections 1 and 5 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 5. Original section 43-102, Revised Statutes Supplement, 1995, is repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1248. Placed on General File as amended.
Standing Committee amendment to LB 1248:

AM3114

1. Strike the original sections and insert the following new sections:

"Section 1. Section 81-829.36, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.36. Sections 81-829.36 to 81-829.66 and section 3 of this act may be cited as the Nebraska Disaster and Civil Defense Act of 1973.

Sec. 2. Section 81-829.39, Reissue Revised Statutes of Nebraska, is amended to read:

81-829.39. ~~As used in sections 81-829.36 to 81-829.66,~~ For purposes of the Nebraska Disaster and Civil Defense Act of 1973, unless the context otherwise requires:

(1) Civil defense shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action~~;~~ or by fire, flood, earthquake, or other natural causes. These functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, civilian war aid, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions~~;~~ ~~.~~

(2) Civil defense emergency shall mean an emergency declared by the President of the United States or Congress pursuant to applicable federal law finding that an attack upon the United States has occurred or is anticipated and that the national safety therefor requires the invocation of the emergency authority provided for by federal law. Such emergency also shall exist in the event of an enemy attack or other hostile action within the State of Nebraska, or when the President determines that any attack has been made upon or is anticipated within a designated geographic area which includes all or a part of the State of Nebraska. Any such emergency shall terminate in the manner provided by federal law~~;~~ or by proclamation of the Governor~~;~~ or ~~by~~ resolution of the Legislature~~;~~ terminating such emergency~~;~~ ~~.~~

(3) Disaster shall mean an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including, but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill, or other water contamination requiring emergency action to avert danger or damage, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, civil

disturbance, or hostile military or paramilitary action; ~~.~~

(4) Catastrophic disaster shall mean a financial state of emergency caused by expenses which (a) are related to a disaster or a civil defense emergency combined with abnormal expenses of government incurred as the result of legal mandates and requirements imposed on local government by the state or federal government, (b) are incurred within the five immediately preceding fiscal years, but which may be related to acts or incidents which occurred prior to the five immediately preceding fiscal years and which may be ongoing, and (c) create an undue burden on local government due to a lack of viable fiscal resources;

(5) Mobile support unit shall mean an organization for civil defense established in accordance with the provisions of sections 81-829.52 to 81-829.54 by state or local authority to be dispatched by the Governor to supplement local organizations for civil defense in a stricken area; ~~.~~

~~(5)~~ (6) Local government shall mean counties, villages, and cities of all classes; and ~~.~~

~~(6)~~ (7) Civil defense worker shall include any full-time or part-time paid, volunteer, or auxiliary employee of this state or other states, territories, possessions, or the District of Columbia, of the federal government or any neighboring country, or of any political subdivision thereof, or of any agency or organization performing civil defense services at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof and shall also include instructors and students in recognized educational programs where civil defense services are taught. A recognized educational program shall include programs in educational institutions duly existing under the laws of this state and such other educational programs as shall be established by the state Civil Defense Agency or otherwise under the ~~provisions of sections 81-829.36 to 81-829.66~~ Nebraska Disaster and Civil Defense Act of 1973.

Sec. 3. (1) While appropriations are adequate to meet the normal needs, the Legislature recognizes the necessity to care for the unusual and extraordinary burdens imposed on the state and its political subdivisions by catastrophic disasters. To meet such situations, it is the intention of the Legislature to confer emergency powers on the Governor, acting through the Adjutant General and the state Civil Defense Agency, and vest him or her with adequate power and authority within the limitation of available funds in the Catastrophic Disaster Fund to meet any such emergency or disaster.

(2) The Catastrophic Disaster Fund is created. It shall be expended upon direction of the Governor for any catastrophic disaster. The catastrophic disaster declaration shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Adjutant

General shall administer the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) It is the legislative intent that the first recourse shall be to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds are unreasonably great, he or she may make funds available from the Catastrophic Disaster Fund. Expenditures may be made upon direction of the Governor for any or all of the functions listed in subsection (5) of this section.

(4) Assistance shall be provided from the Catastrophic Disaster Fund to local governments of this state which have suffered from a catastrophic disaster to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the local government affected. Applications for aid under this section shall be made to the state Civil Defense Agency on such forms as shall be prescribed and furnished by the agency and which shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred, and shall include, but not be limited to, the following:

(a) A resolution formally declaring a financial state of emergency by the local government applicant;

(b) Documentation of expenses related to the occurrence within the five immediately preceding fiscal years of a catastrophic disaster;

(c) Documentation of abnormal expenses caused by legal mandates imposed by either state or federal government which have been incurred within the five immediately preceding fiscal years; and

(d) Documentation that the local government has exhausted other viable sources of revenue.

The agency may call upon other agencies of the state in evaluating applications. The Adjutant General shall review each application for aid under this section and recommend its approval or disapproval, in whole or in part, to the Governor. If the Governor approves, he or she shall determine and certify to the Adjutant General the amount of aid to be furnished. The Adjutant General shall thereupon issue his or her voucher to the Director of Administrative Services who shall issue his or her warrants therefor to the applicant.

(5) When a catastrophic disaster has been proclaimed by the Governor, the Adjutant General, upon order of the Governor, shall have authority to expend funds to meet, but not be limited to, the following situations:

(a) Reimbursing local governments for indebtedness incurred pursuant to section 15-244, 16-213, 17-560, 18-1750, or 23-160.01 or a home rule charter as the result of a catastrophic disaster; and

(b) Providing financial relief to local governments which have suffered from a catastrophic disaster to prevent them from incurring indebtedness.

(6) The Governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the contributions to the Catastrophic Disaster Fund.

(7) All obligations and expenses incurred by the Governor in the exercise of the powers and duties vested in the Governor by this section shall be paid by the State Treasurer out of available funds in the fund, and the Director of Administrative Services shall draw his or her warrants upon the State Treasurer for the payment of such sum, or so much thereof as may be required, upon receipt by him or her of proper vouchers duly approved by the Adjutant General.

(8) This section shall be liberally construed in order to accomplish the purposes of the Nebraska Disaster and Civil Defense Act of 1973 and to permit the Governor to adequately cope with any emergency which may arise, and the powers vested in the Governor by this section shall be construed as being in addition to all other powers presently vested in him or her and not in derogation of any existing powers.

(9) Such funds as may be made available by the government of the United States for the purpose of alleviating distress from catastrophic disasters may be accepted by the State Treasurer and shall be credited to the Catastrophic Disaster Fund unless otherwise specifically provided in the act of Congress making the funds available.

Sec. 4. Original sections 81-829.36 and 81-829.39, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) C. N. "Bud" Robinson, Chairperson

Urban Affairs

LEGISLATIVE BILL 1211. Placed on General File as amended. (Standing Committee amendment, AM3209, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) D. Paul Hartnett, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 955. Indefinitely postponed.

(Signed) Bob Wickersham, Chairperson

ANNOUNCEMENTS

Mr. Robinson designates LB 927 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 673 and LB 748 as its priority bills.

Mrs. McKenzie designates LB 1177 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 1205. No objections. So ordered.

VISITOR

The Doctor of the Day was Greig Glover from Lincoln.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, February 21, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTIETH DAY - FEBRUARY 21, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 21, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Lynn Christensen, Immanuel Lutheran Church, Eagle, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Chambers, Dierks, Engel, Fisher, Lynch, Schellpeper, Schrock, Warner, Wehrbein, Wickersham, Will, Mmes. Brown, Hillman, McKenzie, Pirsch, Robak, and Stuhr 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 754. Placed on Select File as amended.
E & R amendment to LB 754:
AM7202

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. All applicants for the first issuance of any certificate or permit to teach, counsel, supervise, or administer in elementary or secondary schools in this state shall file a complete set of his or her legible fingerprints with the Commissioner of Education or the Nebraska State Patrol unless the

applicant has been a resident of Nebraska for at least five years immediately preceding such application.

Sec. 2. Upon request by the Commissioner of Education, the Nebraska State Patrol shall undertake a search for criminal history record information relating to an applicant described in section 1 of this act, including transmittal of the applicant'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 applicant from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the Commissioner of Education and to the applicant which shall include the criminal history record information concerning the applicant.

Sec. 3. The Commissioner of Education may deny issuance of a certificate or permit to any applicant who has a felony conviction or any misdemeanor conviction involving abuse, neglect, or sexual misconduct. In reviewing a conviction of an applicant, the Commissioner of Education shall take into consideration, prior to denial, any information submitted by the applicant regarding (1) the facts and circumstances surrounding a conviction, (2) the type of offense and the sentence imposed, (3) the date of the offense, (4) the age of the applicant at the time of the offense, and (5) the applicant's conduct and positive social contributions since the offense.

Sec. 4. Criminal history record information obtained pursuant to section 2 of this act shall remain confidential and may be released only upon the written authorization by the applicant, except that if the applicant appeals the denial of a certificate or permit, the filing of such appeal shall constitute a release of the information for the limited purpose of the appeal. If the applicant requests a closed hearing, such request shall be granted and only the final order shall be a public record.

Sec. 5. The State Department of Education shall adopt and promulgate rules and regulations to carry out sections 1 to 4 of this act.

Sec. 6. The State Board of Education shall determine and set the costs for processing criminal history record information checks under sections 1 to 7 of this act which shall be borne by the applicant for a certificate or permit described in section 1 of this act. The costs shall be limited to the actual direct costs arising from the processing of the criminal history record information checks.

Sec. 7. An applicant subject to sections 1 to 7 of this act shall be issued a conditional certificate or permit prior to receipt by the Commissioner of Education of the criminal history record information check if the applicant signs a statement that identifies all crimes of which the applicant has been convicted and

the Commissioner of Education determines the applicant to be of suitable character and meets all other certification requirements. An applicant's conditional certificate or permit is void upon the Commissioner of Education's receipt of the Nebraska State Patrol report regarding the applicant's criminal history record information check and determination that the applicant does not meet the requirements for issuance of a certificate or permit. The applicant may request a hearing regarding the denial of a certificate or permit as provided by the rules and regulations adopted pursuant to section 79-1247.05.

Sec. 8. Section 79-1247.06, Reissue Revised Statutes of Nebraska, is amended to read:

79-1247.06. The maximum which the board may require for the first issuance of any certificate or permit, valid for teaching only in all schools for a term of not less than three years, shall be that the applicant is of sound mental and physical health and of good moral character and a statement countersigned by an authorized official of a standard institution of higher education which certifies the grade levels and subject fields or areas of specialization and that the applicant (1) has a baccalaureate degree, except that a master's degree shall be required for the first issuance of any teaching certificate with a speech-language pathologist endorsement, (2) has filed a complete set of his or her legible fingerprints for a criminal history record information check if required by section 1 of this act, (3) in the case of any person who matriculates in a teacher training program, has satisfactorily completed, within two years of the date of application, the institution's regular approved or accredited program of preparation for teaching and has met all other appropriate requirements of the institution as a teacher, ~~(3)~~ (4) has achieved a satisfactory score on the basic skills competency examinations established or designated by the State Board of Education pursuant to section 79-1247.05 prior to (a) admission into a Nebraska teacher training program or (b) certification in the case of individuals recommended for certification by a postsecondary institution outside of Nebraska or individuals not matriculating in a teacher training program, and ~~(4)~~ (5) has performed at a satisfactory level, as determined by the State Board of Education, on a subject area examination established or designated by the State Board of Education in each area for which endorsement is sought.

Sec. 9. Original section 79-1247.06, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, strike beginning with "authorize" in line 3 through line 6 and insert "require fingerprints from applicants for certain teaching and administrative certificates and permits; to provide for criminal history record information checks; to change provisions for issuance of such certificates and permits; to provide powers and duties;".

LEGISLATIVE BILL 754A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1339. Placed on General File as amended.
Standing Committee amendment to LB 1339:
AM3240

1. Strike original section 11.
2. On pages 5, 6, and 15, strike the new matter and reinstate the stricken matter.
3. On page 16, lines 10 and 11, strike the new matter.
4. On page 21, lines 9 and 10, strike the new matter.
5. On page 22, strike beginning with "Make" in line 5 through "(b)" in line 7; in line 11 strike "(c)" and insert "(b)"; in line 12 strike "financing loans to, or" and insert "making" and strike the commas; in lines 13, 15, and 24 strike "loans or"; in line 14 strike "(d)" and insert "(c)"; and in line 20 strike "made or".
6. On page 24, line 23, after the third comma, insert "and" and strike "and 58-251,".
7. Renumber the remaining sections accordingly.

(Signed) David Landis, Chairperson

ANNOUNCEMENTS

The Urban Affairs Committee designates LB 1362 and LB 1211 as its priority bills.

The General Affairs Committee designates LB 687 and LB 1255 as its priority bills.

Mr. Landis designates LB 1088 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1035. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

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

LEGISLATIVE BILL 1001. Title read. Considered.

Standing Committee amendment, AM2835, found in the Journal on page 589, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Jensen renewed his pending amendment, AM3236, found in the Journal on page 843.

The Jensen amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 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 972. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 973. 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 1028. Title read. Considered.

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

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1169. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

ANNOUNCEMENTS

The Agriculture Committee designates LB 965 as its priority bill.

The Government, Military and Veterans Affairs Committee designates LB 1172 and LB 1263 as its priority bills.

The Business and Labor Committee designates LB 1230 and LB 1167 as its priority bills.

GENERAL FILE

LEGISLATIVE BILL 1205. Mr. Wickersham renewed his pending amendment, FA445, found in the Journal on page 841, to the pending Standing Committee amendment.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Withem and Wesely renewed their pending amendment, FA446, found in the Journal on page 841, to the Standing Committee amendment.

Messrs. Landis, Cudaback, Pedersen, Bernard-Stevens, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 1069. Placed on General File.
LEGISLATIVE BILL 1240. Placed on General File.
LEGISLATIVE BILL 1277. Placed on General File.

LEGISLATIVE BILL 687. Placed on General File as amended.
Standing Committee amendment to LB 687:
AM3237

1. Strike sections 2 through 5 and 7 and insert the following new section:

"Sec. 3. Original section 9-239, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 6, line 3, strike "1995" and insert "1996"; in line 8 strike "Sections" through "9-644" and insert "Section 9-236"; and in line 9 strike "sections" through "9-643" and insert "section 9-237".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1057. Placed on General File as amended.
(Standing Committee amendment, AM3216, 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 1088. Placed on General File as amended.
Standing Committee amendment to LB 1088:
AM3220

1. Insert the following new section:

"Sec. 4. Section 53-123.01, Reissue Revised Statutes of

Nebraska, is amended to read:

53-123.01. A manufacturer's license shall allow the manufacture, storage, and sale of alcoholic liquor~~, including the wholesale distribution of beer,~~ to licensees in this state and to such persons outside the state as may be permitted by law, except that nothing in the Nebraska Liquor Control Act shall prohibit a manufacturer of beer from distributing tax-paid samples of beer at the premises of a licensed manufacturer for consumption on the premises.".

2. On page 9, lines 11 and 27; and page 11, line 1, strike "one hundred" and insert "ten".

3. On page 11, line 2, after "brewery" insert "may also sell to beer wholesalers for sale and distribution to licensed retailers. A craft brewery"; in line 8 after "required" insert "by the Nebraska Liquor Control Act"; and in line 8 through 12 strike the new matter and reinstate the stricken matter.

4. On page 23, line 17; strike the new matter.

5. On page 24, line 12, strike the new matter and reinstate the stricken matter.

6. On page 26, line 26; and page 27, lines 6 and 7, strike beginning with "or" through "license", show the old matter as stricken, and insert ". The holder of a craft brewery license shall have the privileges and duties listed in section 53-123.14 with respect to the manufacture, distribution, and retail sale of beer, and the Nebraska Liquor Control Act shall not be construed to permit the holder of a craft brewery license to engage in the wholesale distribution of beer".

7. On page 27, line 21, after the second comma, insert "53-123.01,".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1255. Placed on General File as amended.
Standing Committee amendment to LB 1255:
AM3252

1. Strike the original sections and insert the following new sections:

"Section 1. Section 2-1207.01, Revised Statutes Supplement, 1994, is amended to read:

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, except that if a racetrack does not continue to conduct live race meets, amounts deducted may be distributed as purse supplements and breeder and stallion awards at racetracks that conduct live race meets and amounts deducted pursuant to a contract with the organization representing the majority of the licensed owners and trainers at

the racetrack's most recent live race meet shall be used by that organization to promote live thoroughbred horseracing in the state or as purse supplements at racetracks that conduct live race meets in the state. Any costs incurred by the State Racing Commission pursuant to this section and subsection (2) of section 2-1207 shall be separately accounted for and be deducted from such funds.

Sec. 2. Section 2-1213, Reissue Revised Statutes of Nebraska, is amended to read:

2-1213. (1) No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant track is granted, no racing shall occur on Sunday until after 1 p.m.

No license shall be granted for racing on more than one racetrack in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding a license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It shall have been foaled in Nebraska; (b) its dam shall have been registered, prior to foaling, with the Nebraska Thoroughbred or

Quarter Horse Registry; and (c) its dam shall have been continuously in Nebraska for ~~six months~~ ninety days immediately prior to foaling, except that such ~~six-month~~ ninety-day period may be reduced to ~~(i) ninety days in the case of a mare in foal which is registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains in this state continuously for ninety days immediately prior to foaling or (ii)~~ thirty days in the case of a mare in foal which is purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains in this state for thirty days immediately prior to foaling.

The requirement that a dam shall be continuously in Nebraska for either ~~six months,~~ ninety days~~,~~ or thirty days, as specified in subdivision (2)(c) of this section, shall not apply to a dam which is taken outside of Nebraska to be placed for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the commission in the current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be established by the commission and shall not be changed without commission approval. Fees shall not exceed one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.

Sec. 3. Section 2-1226, Reissue Revised Statutes of Nebraska, is amended to read:

2-1226. Any racetrack issued a license under sections 2-1201 to 2-1223 which operates at least one live race meet during each calendar year except as provided in section 2-1228 may apply to the commission for a simulcast facility license. An application for such license shall be in such form as may be prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued a simulcast facility license may display the simulcast of a horserace on which parimutuel wagering shall be allowed.

Sec. 4. Section 2-1228, Revised Statutes Supplement, 1994, is amended to read:

2-1228. Any racetrack issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least seventy percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace. The commission shall not authorize interstate simulcasting for any racetrack pursuant to sections 2-1201 to 2-1223 unless all of the thoroughbred racetracks together applied for and received authority to conduct at least one hundred eighty live racing days in the calendar year in which the application is made. If any racetrack conducts live racing for less than seventy percent of the days assigned such racetrack in 1988, (a) such racetrack shall be precluded from conducting interstate simulcasts and (b) the number of live racing days conducted by such racetrack shall be subtracted from an amount equal to seventy percent of all the days assigned such racetrack in 1988 and the amount remaining shall be deducted from the one-hundred-eighty-day total required by this section, except that a licensed racetrack which has conducted live racing for at least five consecutive years in the prior ten years may conduct interstate simulcasting without conducting live racing for a period not to exceed two years with the consent of the organization representing the majority of the licensed horse owners and trainers at the most recent live race meet at the racetrack. If any racetrack ceases to conduct live racing, seventy percent of the days assigned such racetrack in 1988 shall be deducted from the one-hundred-eighty-day total required by this section.

Sec. 5. Original sections 2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and sections 2-1207.01 and 2-1228, Revised Statutes Supplement, 1994, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 1334. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Judiciary

LEGISLATIVE BILL 1052. Placed on General File.
LEGISLATIVE BILL 1333. Placed on General File.

LEGISLATIVE BILL 1271. Placed on General File as amended.
Standing Committee amendment to LB 1271:
AM3224
1. On page 2, line 16, after "of" insert "not more than".

(Signed) John Lindsay, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

GENERAL FILE

LEGISLATIVE BILL 1205. The Withem-Wesely pending amendment, FA446, found in the Journal on page 841 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

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

MR. WILL PRESIDING

Mr. Jensen 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 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the Withem-Wesely amendment.

Voting in the affirmative, 13:

Avery	Dierks	Lynch	Warner	Will
Chambers	Landis	Preister	Wesely	Withem
Crosby	Lindsay	Schimek		

Voting in the negative, 26:

Bernard-Stevens	Engel	Jones	Pirsch	Stuhr
Beutler	Fisher	Klein	Robinson	Vrtiska
Brashear	Hilgert	Matzke	Schellpeper	Wehrbein
Bromm	Hillman	Maurstad	Schmitt	Wickersham
Elmer	Hudkins	Pedersen	Schrock	Witek
	Jensen			

Present and not voting, 6:

Abboud	Brown	Hartnett	McKenzie	Robak
Bohlke				

Excused and not voting, 4:

Coordsen	Cudaback	Janssen	Kristensen

The Withem-Wesely amendment lost with 13 ayes, 26 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Withem offered the following amendment to the Standing Committee amendment:
FA450

(Amendments to Standing Committee amendments, AM3189)

1. On page 1, strike beginning with "The" in line 7 through "1997" in line 14 and insert:

"The plan shall comply with the fiduciary duties of the board, but shall provide for the sale of educational lands by January 1, 2012, and investment of one-third of the permanent school fund in agricultural real property and developed or undeveloped industrial, commercial, or residential real property located within the State of Nebraska and two-thirds of the permanent school fund by the state investment officer. This section shall not be construed to require sale of educational lands which will continue to be held by the board as part of the one-third of the permanent school fund invested in real property. 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 from and preserve the value of these assets over the long term. The Legislature finds that reinvestment of a portion of the proceeds from the sale of educational lands into alternative real property enhances the ability of the board to provide a portfolio of investments that balances risk and rate of return on investment and preserves the

long-term value of the assets of the permanent school fund. The laws of the State of Nebraska should be construed to effectuate such policy.

2. Insert the following new amendments:

"2. On page 2, line 24, after 'board' insert 'and state investment officer' and after 'shall' insert 'jointly'; and in line 26 after 'The' insert 'board's portion of the'.

3. On page 3, line 6, after the period insert 'The state investment officer's portion of the report shall include a cost-benefit analysis which considers the unique characteristics of the land being sold versus the anticipated investment potential of proceeds resulting from the sale. The cost-benefit analysis model used shall be consistent with the standards of the investment industry at the time of the proposed sale.'.".

3. In the Warner amendment, FA449, on page 1, line 5, after "lands" insert ", other than the funds invested in real property pursuant to the board's plan,".

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

Mr. Withem withdrew his amendment.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Bromm renewed his pending amendment, AM2867, found in the Journal on page 841.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Bromm amendment was adopted with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

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. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Abboud	Coordsen	Jensen	McKenzie	Stuhr
Bernard-Stevens	Crosby	Jones	Pedersen	Vrtiska
Beutler	Elmer	Klein	Pirsch	Warner
Bohlke	Engel	Kristensen	Robinson	Wehrbein
Brashear	Fisher	Landis	Schellpeper	Wickersham
Bromm	Hilgert	Matzke	Schmitt	Will
Brown	Hillman	Maurstad	Schrock	Witek
	Hudkins			

Voting in the negative, 6:

Chambers	Lindsay	Schimek	Wesely	Withem
Dierks				

Present and not voting, 5:

Avery	Hartnett	Lynch	Preister	Robak

Excused and not voting, 2:

Cudaback	Janssen

Advanced to E & R for review with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

MOTION - Introduce New Bills

Mr. Abboud moved to permit the introduction of new bills by the Business and Labor Committee, Req. 2110 and Req. 2109.

The Abboud motion prevailed with 35 ayes, 0 nays, 11 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 1391. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; 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.

LEGISLATIVE BILL 1392. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1391 and 1392.

LB	Committee
1391	Business and Labor
1392	Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTION - Suspend Rules

Mr. Abboud moved to suspend the rules, Rule 3, Section 13, so as to allow for public hearings on LB 1391 and LB 1392, on Monday, February 26, 1996.

The Abboud motion to suspend the rules prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 1391	Monday, February 26, 1996	1:30 p.m.
LB 1392	Monday, February 26, 1996	1:30 p.m.

(Signed) Chris Abboud, Chairperson

MOTION - Suspend Rules

Mr. Schellpeper moved to suspend the rules, Rule 3, Section 13, to permit scheduling of a confirmation hearing on a gubernatorial appointment on Monday, February 26, 1996.

The Schellpeper motion to suspend the rules prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
General Affairs

Governor Appointment Monday, February 26, 1996 1:30 p.m.
Thomas C. Woods III - Nebraska Arts Council

(Signed) Stan Schellpeper, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1044. Placed on Select File as amended.
(E & R amendment, AM7206, 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.
LEGISLATIVE BILL 909. Placed on Select File.

LEGISLATIVE BILL 1048. Placed on Select File as amended.
E & R amendment to LB 1048:
AM7204

1. On page 1, line 3, strike "service of summons" and insert "procedure".

LEGISLATIVE BILL 908. Placed on Select File as amended.
E & R amendment to LB 908:
AM7203

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) It shall be unlawful for any person to knowingly intrude upon any other person without his or her consent or knowledge in a place of solitude or seclusion.

(2) For purposes of this section:

(a) Intrude means the viewing or recording, either by video, audio, or other electronic means, of a person in a state of undress; and

(b) Place of solitude or seclusion means a place where a person would intend to be in a state of undress and have a reasonable expectation of privacy, including, but not limited to, any facility, public or private, used as a restroom, tanning booth, locker room, shower room, fitting room, or dressing room.

(3) Violation of this section is a Class III misdemeanor unless the victim is under the age of eighteen in which case a violation is a Class II misdemeanor. Lack of knowledge as to the victim's age is not a defense to the enhanced penalty under this section.

Sec. 2. Section 28-101, Reissue Revised Statutes of Nebraska, is amended to read:

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. Original section 28-101, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 2, strike "Revised Statutes Supplement, 1995" and insert "Reissue Revised Statutes of Nebraska".

LEGISLATIVE BILL 933. Placed on Select File.
LEGISLATIVE BILL 1008. Placed on Select File.
LEGISLATIVE BILL 1047. Placed on Select File.

LEGISLATIVE BILL 1123. Placed on Select File as amended.
E & R amendment to LB 1123:
AM7205

1. On page 2, line 19, after "as" insert "an"; and in line 22 strike "shall mean", show as stricken, and insert "means".

2. On page 3, line 18, after "to" insert "the".

3. On page 4, line 9, after "File" insert an underscored comma; and in line 10 after "require" insert an underscored comma.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 1148. Indefinitely postponed.

(Signed) Doug Kristensen, Chairperson

Agriculture

LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 1389. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 56. Indefinitely postponed.
LEGISLATIVE BILL 351. Indefinitely postponed.
LEGISLATIVE BILL 525. Indefinitely postponed.
LEGISLATIVE BILL 702. Indefinitely postponed.
LEGISLATIVE BILL 723. Indefinitely postponed.

(Signed) Bob Wickersham, Chairperson

ANNOUNCEMENTS

Mr. Engel designates LB 1171 as his priority bill.

Mr. Abboud designates LB 1343 as his priority bill.

The Natural Resources Committee designates LB 731 and LB 1385 as its priority bills.

Mr. Wehrbein designates LB 1264 as his priority bill.

Mr. Brashear designates LB 1099 as his priority bill.

Mr. Warner designates LB 299 as his priority bill.

The Revenue Committee designates LB 183 and LB 1176 as its priority bills.

The Judiciary Committee designates LB 1244 as its priority bill.

The Transportation Committee designates LB 465 and LB 1118 as its priority bills.

Mr. Lindsay designates LB 1380 as his priority bill.

The Health and Human Services Committee designates LB 1078 as its priority bill.

The Appropriations Committee designates LB 1061 and LB 1382 as its priority bills.

NOTICE OF COMMITTEE HEARING
Revenue

LB 1327	Thursday, February 29, 1996	3:00 p.m.
LB 1328	Thursday, February 29, 1996	3:00 p.m.

(Signed) Jerome Warner, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 1205:
FA451
Amend Committee Amendment (AM3189)
In lines 7 & 8, strike "shall comply with the fiduciary duties of the board, but"

Mrs. Hudkins filed the following amendment to LB 256A:
AM3233
1. On page 2, lines 1 and 2, strike "$229,000" and insert "$630,500".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 1171. No objections. So ordered.

VISITORS

Visitors to the Chamber were 41 fourth and fifth grade students and teacher from Wildwood Elementary School, Ralston; 25 youth and 25 adults representing "Leadership Kearney"; 17 seniors and teacher from Columbus Lakeview; Dr. John Butler from Hebron and Dr. Steven Lehr from Crete; 15 seventh and eighth grade students from Waverly Junior High School; and 15 seventh and eighth grade students from Nebraska City Junior High School.

The Doctor of the Day was Ron Klutman from Columbus.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, February 22, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIRST DAY - FEBRUARY 22, 1996

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 22, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 22, 1996

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. Bernard-Stevens and Mrs. Robak who were excused; and Messrs. Abboud, Avery, Beutler, Brashear, Bromm, Coordsen, Fisher, Hilgert, Janssen, Kristensen, Landis, Lindsay, Robinson, Schrock, Wickersham, Will, Mmes. Bohlke, Brown, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

AMENDMENT - Print in Journal

Mr. Vrtiska filed the following amendment to LB 1248:
AM3270
(Amendments to Standing Committee amendments, AM3114)

1. Strike the original sections and insert the following new sections:

"Section 1. (1) While appropriations are adequate to meet the normal needs, the Legislature recognizes the necessity to care for the unusual and extraordinary burdens imposed on the state and local government by catastrophic financial emergencies. It is the intent of the Legislature that the first recourse for responding to catastrophic financial emergencies shall be to funds

regularly appropriated to the state or to local government by its governing body.

(2) For purposes of claims made pursuant to this section:

(a) Catastrophic financial emergency means expenses which (i) are caused by abnormal expenses of government incurred as a result of legal mandates and requirements imposed on local government by the state or federal government combined with expenses incurred in relation to a disaster as defined in section 81-829.39, (ii) are incurred within the five immediately preceding fiscal years but which may be related to acts or incidents that occurred prior to that five-year period and may be ongoing, and (iii) create an undue burden on local government due to a lack of viable fiscal resources; and

(b) Local government means any county, city, or village in Nebraska.

(3) A local government may file a claim for reimbursement of indebtedness or for a grant or loan to provide financial relief from the state through the Local Government Catastrophic Financial Emergency Fund under the following circumstances:

(a) To reimburse local governments for indebtedness incurred pursuant to sections 15-244, 16-213, 17-560, 18-1750, and 23-160.01 or a home rule charter as a result of a catastrophic financial emergency; and

(b) To provide financial relief to local governments in the form of grants to permit the normal transaction of essential business and to provide for the continuation of essential services.

(4) The claim shall be filed with the Risk Manager. The following information shall be filed with the claim in order to determine eligibility:

(a) A resolution approved by the governing body formally declaring a catastrophic financial emergency;

(b) Documentation of expenses related to any occurrence within the immediately preceding five fiscal years of any natural disaster that used the local government's financial resources;

(c) Documentation of abnormal expenses incurred within the immediately preceding five fiscal years which are caused by legal mandates imposed by either state or federal government;

(d) Documentation that the local government has exhausted other viable sources of revenue; and

(e) Additional information that may be required and shall be requested by the Risk Manager as part of the investigation.

(5) The Risk Manager shall immediately inform the State Claims Board as to the filing of the claim and the nature of the demand. The claim shall be investigated and the results of the investigation presented to the State Claims Board for review and decision.

(6) Approved claims shall be paid from the Local Government Catastrophic Financial Emergency Fund to the extent that there are funds available. The local government may appeal any

claim denied by the State Claims Board, or any claim approved but for which full payment has not been made, to the Legislature by filing a notice of appeal with the Risk Manager prior to December 31 of the year in which the State Claims Board decision was made. The appeal will be included in the claims bills annually considered by the Legislature.

(7) An annual report shall be made to the Legislature by the Risk Manager listing all claims against the Local Government Catastrophic Financial Emergency Fund.

Sec. 2. Section 81-8,239.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.01. (1) For purposes of sections 81-8,239.01 to 81-8,239.08, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a division within the Department of Administrative Services to be known as the risk management and state claims division. The division shall be headed by the Risk Manager who shall be appointed by the Director of Administrative Services. The division shall be responsible for the Risk Management Program, which program is hereby created. The program shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after

consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, and 84-1603 and section 1 of this act;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of the Risk Management Program and make appropriation requests for the administration of the program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 3. Section 81-8,239.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.02. The following separate permanent revolving funds are established in the state treasury for use under the Risk Management Program according to the purposes for which each fund is established:

(1) The State Insurance Fund is hereby created for the purpose of purchasing insurance to cover property, fidelity, and liability risks of the state and workers' compensation claims against the state and other risks to which the state or its agencies, officials, or employees are exposed and for paying related expenses. The fund may receive deposits from assessments against state agencies to provide insurance coverage as directed by the Risk Manager. The Risk Manager may retain in the fund sufficient money to pay for any deductibles or copayments as may be required by such insurance policies;

(2) The State Self-Insured Property Fund is hereby created for the purpose of replacing, repairing, or rebuilding state property which has incurred damage or is suffering other loss not fully covered by insurance and for paying related expenses. The fund may receive deposits from assessments against state agencies to provide property coverage as directed by the Risk

Manager. The Risk Manager may assess state agencies to provide self-insured property coverage; ~~and~~

(3) The State Self-Insured Indemnification and Liability Fund is hereby created for the purpose of paying compensable liability and fidelity claims against the state or its agencies, officials, or employees which are not fully covered by insurance and for paying indemnification claims under section 81-8,239.05. Indemnification claims shall include payments for awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal. The fund may receive deposits from assessments against state agencies to pay for the costs associated with providing and supporting indemnification claims. The creation of this fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees; and

(4) The Local Government Catastrophic Financial Emergency Fund is hereby created for the purpose of paying compensable claims under section 1 of this act and for providing financial relief to local governments under such section in the form of grants or loans. All obligations and expenses incurred by the risk management program as a result of claims filed against the fund shall be paid from the fund. The creation of the fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees or any political subdivision or its officials or employees. Voluntary payments from any source to aid in carrying out the purpose of the fund and payments on loans if so designated may be accepted and deposited to the credit of the fund.

Sec. 4. Original sections 81-8,239.01 and 81-8,239.02, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

SELECT FILE

LEGISLATIVE BILL 256A. Mrs. Hudkins renewed her pending amendment, AM3233, found in the Journal on page 866.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 645. E & R amendment, AM7182, found in the Journal on page 713, was adopted.

Mrs. Witek reoffered her amendment, AM2958, found in the Journal on page 654.

Mrs. Witek withdrew her amendment.

Mr. Beutler withdrew his amendment, FA417, found in the Journal on page 696.

Mr. Wesely and Mrs. Hudkins offered the following amendment:
AM3170

(Amendments to E & R amendment, AM7182)

1. Strike section 14 and insert the following new sections:

"Section 14. Section 29-2929, Reissue Revised Statutes of Nebraska, is amended to read:

29-2929. (1) The inpatient treatment program operated by the Department of Public Institutions shall conduct annual reviews of each convicted sex offender in the program and submit annual progress reports to ~~the sentencing court and~~ the Department of Correctional Services.

(2) If the offender is uncooperative while in the inpatient treatment program or is found not to be amenable to treatment, the Director of Public Institutions shall cause the offender to be returned to the Department of Correctional Services in accordance with procedures established by the Department of Public Institutions. The Department of Correctional Services shall be responsible for physical transfer of the offender from the inpatient treatment facility to the Department of Correctional Services. The Department of Public Institutions shall, at the time of the transfer, provide the Department of Correctional Services a report summarizing the offender's response to and progress while in treatment and the reasons for the transfer and shall provide access to the treatment records as requested by the Department of Correctional Services.

(3) All days of confinement in a treatment program operated by the Department of Public Institutions shall be credited to the offender's term of imprisonment.

Sec. 15. Section 29-2930, Reissue Revised Statutes of Nebraska, is amended to read:

29-2930. If the Department of Public Institutions determines that the convicted sex offender has received the maximum benefit of the inpatient treatment program operated by the Department of Public Institutions and is ready for treatment in an aftercare treatment program, the person in charge of the inpatient treatment program shall ~~submit a written report to the sentencing court and the Department of Correctional Services documenting such findings and recommendations. Within thirty days of receipt of the report, the court shall conduct a hearing on the offender's status~~ develop an individual discharge plan documenting the findings and recommendations of the program and a designated aftercare treatment program. The individual discharge plan shall be provided to the Department of Correctional Services, the Board of Parole, and the

designated aftercare treatment program.

Sec. 16. Section 29-2934, Reissue Revised Statutes of Nebraska, is amended to read:

29-2934. (1) Each person committed as a mentally disordered sex offender pursuant to sections 29-2911 to 29-2921 as such sections existed prior to July 15, 1992, who is being treated in a regional center or other secure public institution operated by the Department of Public Institutions and has at least one year remaining on his or her sentence as of such date shall, within one hundred eighty days after such date, be returned to the district court which committed him or her for review and disposition consistent with the terms of this section.

(2) Each person committed to a regional center or other secure public institution operated by the Department of Public Institutions as a mentally disordered sex offender by a court pursuant to sections 29-2911 to 29-2921 as such sections existed prior to July 15, 1992, who is in a facility operated by the Department of Correctional Services awaiting treatment as of such date shall be placed in a treatment facility operated by the Department of Public Institutions for evaluation and treatment as soon as practical after space and staff become available. Within thirty days of such placement, the Department of Public Institutions shall determine, based on criteria and procedures established by the Department of Public Institutions, whether the offender will remain in the treatment program or be returned to the Department of Correctional Services to await court review or the end of his or her sentence. Within thirty days after the evaluation-and-treatment period, if the offender has at least one hundred eighty days remaining on his or her sentence, he or she shall be returned to the committing district court for review and disposition consistent with the terms of this section.

(3) The Department of Public Institutions shall prepare and present a report and recommendations for each offender to be reviewed by the district court under subsection (1) or (2) of this section.

(4) Each person identified in subsections (1) and (2) of this section who was committed as a mentally disordered sex offender by a court after having entered a plea of guilty or nolo contendere shall, upon return to the district court, elect whether to be resentenced under the Convicted Sex Offender Act or continue his or her commitment pursuant to sections 29-2911 to 29-2921 as such sections existed prior to July 15, 1992.

(5) For each person identified in subsections (1) and (2) of this section who was committed as a mentally disordered sex offender by a court after having entered a plea of not guilty and for each person identified in subsection (4) of this section who elected to be resentenced under the act, subsections (6); and (7); ~~and (8)~~ of this section shall apply.

(6) If the court finds that the offender is treatable in

an inpatient treatment program operated by the Department of Public Institutions, the offender shall be returned to or placed in such a treatment program and sections 29-2929 ~~to 29-2933~~ and 29-2930 shall apply.

(7) If the court finds that the offender is not amenable to treatment, is uncooperative in treatment, or has reached the maximum benefit of treatment in an inpatient treatment program operated by the Department of Public Institutions but cannot be placed in an aftercare treatment program under conditions set by the court consistent with public safety, the offender shall be placed in a facility operated by the Department of Correctional Services to serve the remainder of his or her original sentence.

~~(8) If the court finds that the offender has successfully completed an inpatient treatment program operated by the Department of Public Institutions and can be treated in an aftercare treatment program under conditions set by the court consistent with public safety, the court shall proceed in accordance with section 29-2931 and sections 29-2932 and 29-2933 shall apply.~~

Sec. 17. Section 29-2935, Reissue Revised Statutes of Nebraska, is amended to read:

29-2935. For purposes of evaluating the treatment process, the Office of ~~Probation~~ Parole Administration, the Department of Correctional Services, the Board of Parole, and the designated aftercare treatment programs shall allow appropriate access to data and information as requested by the Department of Public Institutions.

Sec. 18. Sections 1 to 13 of this act become operative on January 1, 1997. The other sections of this act become operative on their effective date.

Sec. 19. Original sections 29-2929, 29-2930, 29-2934, and 29-2935, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 20. The following sections are outright repealed: Sections 29-2927, 29-2931, 29-2932, and 29-2933, Reissue Revised Statutes of Nebraska.".

2. Underscore sections 1 to 13.

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

The Wesely-Hudkins amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Beutler offered the following amendment:
AM3276

(Amendments to E & R amendments, AM7182)

1. On page 8, line 10, after "felony" insert "unless the act which caused the person to be placed on the registry was a misdemeanor, in which case a violation of the Sex Offender Registration Act shall be a crime of the same class or within the

5 same penalty range as the original act".

The Beutler amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Beutler renewed his pending amendment, FA423, found in the Journal on page 696.

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Beutler withdrew his amendments, FA424 and FA425, found in the Journal on page 700.

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

Mr. Chambers offered the following amendment:
FA452
Amend E & R amendments (AM7182)
P. 1, line 19 (first line 19), after "section 28-313" and line 23 after "28-315"; add, "when committed with a sexual purpose or intent."

Messrs. Jones, Avery, Dierks, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman asked unanimous consent to be excused. 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 roll call vote on his amendment.

Voting in the affirmative, 21:

Beutler	Cudaback	Landis	Maurstad	Warner
Bohlke	Elmer	Lindsay	McKenzie	Wehrbein
Brown	Hilgert	Lynch	Preister	Wickersham
Chambers	Klein	Matzke	Schimek	Withem
Crosby				

Voting in the negative, 16:

Abboud	Coordsen	Hudkins	Pedersen	Stuhr
Avery	Engel	Jensen	Pirsch	Vrtiska
Brashear	Fisher	Jones	Schrock	Witek
Bromm				

Present and not voting, 5:

Hartnett	Robinson	Schellpeper	Schmitt	Wesely

Excused and not voting, 7:

Bernard-Stevens	Dierks	Janssen	Robak	Will
	Hillman	Kristensen		

The Chambers amendment lost with 21 ayes, 16 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
FA455
Amend the E & R amendment as follows:
Add to the end of Section 3:
"In the case of violations of Sections 28-313, 28-314 or 28-315 the sentencing court shall determine at the time of sentencing, in light of all the facts, whether the convicted person shall be subject to the Sex Offender Registration Act"

Messrs. Schrock, Landis, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mrs. Witek offered the following amendment:
FA456
Amend on line 4, page 1, by striking "Sex Offender Registration Act" and inserting "Crimes Against Children and Sex Offender Registration Act"

MR. COORDSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 1028:
AM3043
1. On page 29, line 3, after the period insert "The rules in paragraphs (c), (d), and (e) of subsection (3) apply to security interests to which this paragraph applies.".

Mmes. Pirsch, Witek, Messrs. Jensen, Landis, Fisher, Wesely, and Lindsay filed the following amendment to LB 948:

(Amendment, AM3012, 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 filed the following amendment to LB 496A:
AM3261
1. Insert the following new section:
"Sec. 2. (1) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1995, becomes law, the unexpended General Fund balance remaining on December 31, 1996, of the appropriation made pursuant to section 1 of this act shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 177, Administration, for FY1996-97.
(2) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1995, becomes law, the salary limit relating to the appropriation made pursuant to section 1 of this act remaining on December 31, 1996, shall be transferred to Agency 26, Department of Health and Human Services Finance and Support, Program 177, Administration, for FY1996-97.
(3) This section is operative January 1, 1997.".

Mr. Warner filed the following amendment to LB 1121:
AM3149
1. Strike the Warner amendment, AM2981.
2. On page 21, line 14, after the period insert "Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the sixty-month period set forth in subsection (3) or (4) of this section shall be eligible for the credit under such subsection, in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 960. Placed on General File as amended.
Standing Committee amendment to LB 960:
AM3002
1. Strike section 1 and insert the following new sections:
"Section 1. (1) For purposes of sections 69-2401 to 69-2425 and this section, the Nebraska State Patrol shall be furnished upon the patrol's request with only such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to state or federal law. Such information shall be furnished by the Department of Public Institutions. The clerks of the various courts shall furnish to the Department of Public

Institutions within thirty days of the order of commitment or finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-1823 or 29-3702. The Department of Public Institutions shall also maintain in the data base a listing of persons who have been found to be not responsible by reason of insanity. Information regarding mental health board commitments shall not be retained in the data base maintained by the department on persons who have been discharged from that commitment more than five years previously. Any such information maintained or disclosed under this subsection shall remain privileged and confidential and shall not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.

Sec. 11. Section 83-109, Reissue Revised Statutes of Nebraska, is amended to read:

83-109. The Department of Public Institutions shall have general control over the admission of patients and residents to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him or her. A record of every patient or resident of every institution shall be kept complete from the date of his or her entrance to the date of his or her discharge or death, such records to be accessible only (1) to the department, a legislative committee, the Governor, any federal agency requiring medical records to adjudicate claims for

federal benefits, and any public or private agency under contract to provide facilities, programs, and patient services, (2) upon order of a judge or court, ~~or~~ (3) in accordance with sections 20-161 to 20-166, or (4) the Nebraska State Patrol pursuant to section 1 of this act. In addition, a patient or resident or his or her legally authorized representative may authorize the specific release of his or her records, or portions thereof, by filing with the department a signed written consent. Transfers of patients or residents from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers. When the department is unable to assign a patient to a regional center or commit him or her to any other institution at the time of application, a record thereof shall be kept and the patient accepted at the earliest practicable date. The superintendents of the regional centers and Beatrice State Developmental Center shall notify the department immediately whenever there is any question regarding the propriety of the commitment, detention, transfer, or placement of any person admitted to a state institution. The department shall then investigate the matter and take such action as shall be proper. Any interested party who is not satisfied with such action may appeal such action, and the appeal shall be in accordance with the Administrative Procedure Act. The department shall have full authority on its own suggestion or upon the application of any interested person to investigate the physical and mental status of any patient or resident of any regional center or the Beatrice State Developmental Center. If upon such investigation the department considers such patient or resident fit to be released from the regional center or Beatrice State Developmental Center, it shall cause such patient or resident to be discharged or released on convalescent leave.".

2. On page 8, line 16, before "pursuant" insert "or the Department of Public Institutions"; and in line 25, strike "section" and insert "sections 83-109 and".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1232. Placed on General File as amended.
Standing Committee amendment to LB 1232:
AM2961

1. On page 15, strike line 14 through line 17 and insert the following new subdivisions:

"(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers, and salts of such isomers: (1) Carisoprodol; and (2) butorphanol.

(g)(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance, including

its salts, optical isomers, and salts of such optical isomers:
Ephedrine.

(2) The following drug products containing ephedrine, its salts, optical isomers, and salts of such optical isomers are excepted from subdivision (g)(1) of Schedule IV if they may lawfully be sold over the counter without a prescription under the Federal Food, Drug, and Cosmetic Act; are labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph; are manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse; and are not marketed, advertised, or labeled for the indication of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy:

(A) Solid oral dosage forms, including soft gelatin capsules, that combine active ingredients in the following ranges for each dosage unit:

(i) Not less than one hundred milligrams nor more than one hundred thirty milligrams of theophylline and not less than twelve and five-tenths milligrams nor more than twenty-four milligrams of ephedrine;

(ii) Not less than sixty milligrams nor more than one hundred milligrams of theophylline, not less than twelve and five-tenths milligrams nor more than twenty-four milligrams of ephedrine, and not less than two hundred milligrams nor more than four hundred milligrams of guaifenesin;

(iii) Not less than twelve and five-tenths milligrams nor more than twenty-five milligrams of ephedrine and not less than two hundred milligrams nor more than four hundred milligrams of guaifenesin; and

(iv) Not more than eight milligrams of phenobarbital in combination with the ingredients of subdivision (g)(2)(a)(i) or (g)(2)(a)(ii) of Schedule IV;

(B) Liquid oral dosage forms that combine active ingredients in the following ranges for each five-milliliter dose:

(i) Not more than forty-five milligrams of theophylline, not more than thirty-six milligrams of ephedrine, not more than one hundred milligrams of guaifenesin, and not more than twelve milligrams of phenobarbital; and

(ii) Not more than five milligrams of phenylephrine, not more than five milligrams of ephedrine, not more than two milligrams of chlorpheniramine, not more than ten milligrams of dextromethorphan, not more than forty milligrams of ammonium chloride, and not more than five one thousandths of a milligram of ipecac fluid extract; and

(C) Anorectal preparations containing less than five percent ephedrine.".

(Signed) John Lindsay, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1108A. 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 1108, Ninety-fourth Legislature, Second Session, 1996.

SELECT FILE

LEGISLATIVE BILL 645. Mr. Chambers offered the following amendment to the Witek pending amendment:
FA453
Amend Witek Amendment:
after "Children", add "And Vulnerable Adults"

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

Mr. Chambers withdrew his amendment.

Mrs. Witek withdrew her amendment, FA456.

Mr. Abboud offered the following amendment:
AM3275

(Amendments to E & R amendment, AM7182)

1. Strike section 14 and insert the following new sections:

"Sec. 14. Section 28-320.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-320.01. (1) A person commits sexual assault of a child if he or she subjects another person fourteen years of age or younger to sexual contact and the actor is at least nineteen years of age or older.

(2) Sexual assault of a child is a Class IV felony for the first offense and a Class III felony for all subsequent offenses.

(3) Any person who is found guilty of sexual assault of a child under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, or (c) in any other state or federal court under laws with essentially the same elements as this section or section 28-319 shall be guilty of a Class IC felony.

Sec. 15. Section 28-707, Reissue Revised Statutes of Nebraska, is amended to read:

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 physical or mental health; ~~or~~

(b) Cruelly confined or cruelly punished; ~~or~~

(c) Deprived of necessary food, clothing, shelter, or care;

(d) Placed in a situation to be sexually exploited by allowing, encouraging, or forcing such minor child to solicit for or engage in prostitution, debauchery, public indency, or obscene or pornographic photography, films, or depictions; or

(e) Placed in a situation to be sexually abused as defined in section 28-319 or 28-320.01.

(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) Child abuse is a Class IB felony if the offense is committed knowingly and intentionally and results in the death of such child.

Sec. 16. Sections 1 to 13 of this act become operative on January 1, 1997. The other sections of this act become operative on their effective date.

Sec. 17. Original sections 28-320.01 and 28-707, Reissue Revised Statutes of Nebraska, are repealed.".

2. Underscore sections 1 to 13.

The Abboud amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1218. Title read. Considered.

Standing Committee amendment, AM3180, printed separately and referred to on page 829, was considered.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Robinson and Brashear asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 1077. Placed on General File as amended. (Standing Committee amendment, AM3263, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Bob Wickersham, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 645A. Introduced by Abboud, 12; Witek, 31.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Ninety-fourth Legislature, Second Session, 1996.

RESOLUTION

LEGISLATIVE RESOLUTION 323. Introduced by Withem, 14.

WHEREAS, the Papillion-LaVista High School academic decathlon team has achieved first place in state competition; and

WHEREAS, the Papillion-LaVista team members have demonstrated their capacity for hard work, perseverance, and discipline to attain this distinction; and

WHEREAS, the members of the academic decathlon team have demonstrated their proficiency in literature, math, social sciences, fine

arts, speech, language, economics, physical science, interview, and essay; and

WHEREAS, this team will participate in national competition in Atlanta, Georgia, in April of this year.

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

1. That the Legislature congratulates team members Bart Johnston, Jason Tremblett, Scott McGinnis, Hyrum Wilson, Stephanie Aduloju, Brandon Jensen, Olivia McFeely, Ann Hou, Barb Masilko, Jenny Waldren, Amy Hulme, Mark Dreiling, Shannon Gowans, and Ali Osborn.

2. That the Legislature congratulates team coach Paul Kunes.

3. That the legislature extends best wishes and good luck to the team at the National competition in April.

4. That a copy of this resolution be forwarded to the members of the Papillion-LaVista High School Academic Decathlon Team.

Laid over.

MOTION - Place LB 943 on General File

Mrs. Stuhr moved to place LB 943 on General File pursuant to Rule 3, Section 19(b).

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 298, LB 754, and LB 1144. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 315, 316, 317, 318, and 322.

VISITORS

Visitors to the Chamber were 12 Cub Scouts, 3 Boy Scouts, and sponsors from Kearney; 52 juniors and seniors from East Butler High School, Brainard; and 60 fourth grade students and sponsors from Eagle Elementary School.

The Doctor of the Day was Lynne Holz from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Friday, February 23, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SECOND DAY - FEBRUARY 23, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 23, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor J. L. Jones, Emanuel Baptist Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Stuhr, Messrs. Pedersen, and Withem who were excused; and Messrs. Abboud, Chambers, Landis, Lindsay, Matzke, Will, and Mrs. Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 22, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall, Bruce A. - Lincoln	First Bank System
Knapp, Patricia, A. - Lincoln	Boyd County Monitoring Committee
Mathiasen, Jerry - Lincoln	Nebraska Association of Resources Districts

Radcliffe and Associates
Radcliffe, Walter H. - Lincoln Nebraska Automatic Merchandising Council

REPORTS

The following reports were received by the Legislature:

Roads, Department of
Board of Public Roads Classifications and Standards, Minutes for January, 1996

Environmental Quality, Department of
Litter Reduction and Recycling Grant Program Annual Report (LB120(1979))

Ethanol Board, Nebraska
Ethanol Producer Incentive Cash (EPIC) Fund for January 1996 (Section 66-1345)

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 939. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,197 and 60-6,205, Reissue Revised Statutes of Nebraska, and section 60-484, Revised Statutes Supplement, 1995; to change provisions relating to operator's license applications and driving under the influence; 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, 38:

Avery	Crosby	Hudkins	McKenzie	Schrock
Bernard-Stevens	Cudaback	Janssen	Pirsch	Vrtiska
Beutler	Dierks	Jensen	Preister	Warner
Brashear	Elmer	Jones	Robak	Wehrbein
Bromm	Engel	Klein	Robinson	Wesely
Brown	Fisher	Kristensen	Schellpeper	Wickersham
Coordsen	Hartnett	Lynch	Schimek	Witek
	Hilgert	Maurstad	Schmitt	

Voting in the negative, 0.

Excused and not voting, 11:

Abboud	Hillman	Lindsay	Pedersen	Will
Bohlke	Landis	Matzke	Stuhr	Withem
Chambers				

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 948 to Select File

Mrs. Pirsch moved to return LB 948 to Select File for the Pirsch et al. pending amendment, AM3012, printed separately and referred to on page 877.

Mrs. Pirsch asked unanimous consent to pass over LB 948. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 949. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1995; 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, 39:

Avery	Coordsen	Hilgert	Lynch	Schimek
Bernard-Stevens	Crosby	Hillman	Maurstad	Schmitt
Beutler	Cudaback	Hudkins	McKenzie	Schrock
Brashear	Dierks	Janssen	Pirsch	Vrtiska
Bromm	Elmer	Jensen	Preister	Warner
Brown	Engel	Jones	Robak	Wehrbein
Chambers	Fisher	Klein	Robinson	Wesely
	Hartnett	Kristensen	Schellpeper	Witek

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 9:

Abboud	Landis	Matzke	Stuhr	Withem
Bohlke	Lindsay	Pedersen	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.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

MOTION - Return LB 584 to Select File

Mr. Coordsen moved to return LB 584 to Select File for the following specific amendment:
FA454
Strike the enacting clause.

Mr. Coordsen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 584.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-104, 37-105, 37-202.02, 37-213, 37-215.03, 37-215.08, 37-216.01 to 37-216.09, 81-805, 81-815.60, and 81-2801, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-215, Revised Statutes Supplement, 1995; to change provisions relating to firearm and bow hunter education programs, hunting on farm and ranch land, and limited permits for hunting; to change and eliminate provisions relating to trout and habitat stamps; to provide for aquatic habitat stamps; to create a fund; to provide and change powers and duties relating to railroad rights-of-way and recreational trails; to eliminate a fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 37-217.01, Reissue Revised Statutes of Nebraska.

Mr. Beutler 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:

Avery	Crosby	Hilgert	Maurstad	Vrtiska
Bernard-Stevens	Cudaback	Hillman	McKenzie	Warner
Beutler	Elmer	Landis	Preister	Wehrbein
Brashear	Fisher	Lynch	Schimek	Wesely
Brown	Hartnett	Matzke	Schrock	Wickersham

Voting in the negative, 16:

Bromm	Hudkins	Klein	Pirsch	Schellpeper
Chambers	Janssen	Kristensen	Robak	Schmitt
Coordsen	Jones	Lindsay	Robinson	Witek
Dierks				

Present and not voting, 1:

Engel

Excused and not voting, 7:

Abboud	Jensen	Stuhr	Will	Withem
Bohlke	Pedersen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1210. Placed on General File.

LEGISLATIVE BILL 940. Placed on General File as amended.
Standing Committee amendment to LB 940:
AM3226

1. Strike section 1 and insert the following new section:

"Section 1. Section 71-2048.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-2048.01. Any hospital required to be licensed pursuant to section 71-2018 shall not deny clinical privileges to physicians and surgeons, podiatrists, osteopathic physicians, osteopathic physicians and surgeons, psychologists, or dentists solely by reason of the license held by the practitioner. Each

such hospital shall establish reasonable standards and procedures to be applied when considering and acting upon an application for medical staff membership and privileges. Once an application is determined to be complete by the hospital and is verified in accordance with such standards and procedures, the hospital shall notify the applicant of its initial recommendation regarding membership and privileges within one hundred twenty days.

Hospitals licensed pursuant to section 71-2018 which provide services to patients with conditions which licensed psychologists are qualified to diagnose and treat shall include in their rules provisions for the use of facilities and staff privileges for qualified psychologists practicing within the scope of their licensure and their competence, including admission to and discharge from the hospital, subject to the rules of the hospital. When such privileges are granted, the process by which an applicant's qualifications are evaluated shall include a review of the applicant's credentials by at least one psychologist who is qualified for those privileges. When admitting and discharge privileges are available to qualified psychologists, the admitting psychologist shall identify a qualified physician responsible for medical evaluation and management of the patient during hospitalization.".

LEGISLATIVE BILL 1059. Placed on General File as amended.
Standing Committee amendment to LB 1059:
AM3165

1. On page 3, line 14, before "It" insert "(1)"; and after line 18 insert the following new subsections:

"(2) It is the intent of the Legislature that the substance abuse, mental health, developmental disability, and aging services delivery system include both public and private providers. This legislative bill shall not be interpreted to prohibit elected officials from organizing, administering, or governing an agency or program whose purpose is to provide substance abuse, mental health, developmental disability, and aging services on a community or regional basis. This legislative bill shall not be interpreted to prohibit elected officials from providing funding or support on a voluntary basis for substance abuse, mental health, developmental disability, and aging services or programs. For purposes of this subsection, elected official means an elected official of a county, village, or city.

(3) It is the intent of the Legislature that the funding which will be assumed from county government under this legislative bill reflect county financial participation as such funding existed on June 30, 1996.

(4) It is the intent of the Legislature that administrative savings and efficiencies be generated in the implementation of this legislative bill. It is also the intent of the Legislature that there be a maintenance of financial support

for the programs and services whose funding is affected by this legislative bill.

(5) It is the intent of the Legislature that regional and community representatives be involved in the implementation of this legislative bill.".

LEGISLATIVE BILL 1278. Placed on General File as amended.
Standing Committee amendment to LB 1278:
AM3141

1. Insert the following new section:

"Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 16, line 16, strike "the total quantity authorized to be dispensed" and insert "each partial filling".

LEGISLATIVE BILL 1326. Placed on General File as amended.
Standing Committee amendment to LB 1326:
AM3201

1. Strike the original sections and insert the following new sections:

"Section 1. Any health clinic as defined in section 71-2017.01 and any other organization or association of health practitioners or providers licensed pursuant to Chapter 71 may cause a peer review committee to be formed and operated or may contract with an outside peer review committee for the purpose of reviewing, from time to time, the medical care provided by such health clinic, organization, or association and for assisting individual practitioners or providers practicing in such clinics, organizations, or associations in maintaining and providing a high standard of medical care.

Sec. 2. Any person or entity making a report or providing information to a peer review committee of a clinic, organization, or association at the request of such committee has the privilege to refuse to disclose such report or information and to prevent any other person or entity from disclosing the report or information, except as provided in section 3 of this act. Such disclosure shall not constitute a waiver of any privilege by the person or entity.

Sec. 3. The proceedings, minutes, records, and reports of any peer review committee as described in section 1 of this act, together with all communications originating in such committee, are privileged communications which may not be disclosed or obtained by legal discovery proceedings unless (1) the privilege is waived by the patient and (2) a court of record, after a hearing and for good cause arising from extraordinary circumstances being shown, orders the disclosure of such proceedings, minutes, records, reports, or communications. Nothing in sections 1 to 3 of this act shall be construed as to provide any privilege to medical records kept with respect to any patient in the ordinary course of business of

operating a clinic, organization, or association of practitioners or providers, nor to any facts or information contained in such records, nor shall sections 1 to 3 of this act preclude or affect discovery of or production of evidence relating to the treatment of any patient in the ordinary course of treatment of such patient.

Sec. 4. Section 71-168, Revised Statutes Supplement, 1995, is amended to read:

71-168. (1) The department shall enforce the Uniform Licensing Law and for that purpose shall make necessary investigations. Every licensee, certificate holder, or registrant listed under subsection (4) of this section and every member of a board of examiners shall furnish the department such evidence as he or she may have relative to any alleged violation which is being investigated.

(2) Every licensee, certificate holder, or registrant listed under subsection (4) of this section shall report to the department the name of every person without a license, certificate, or registration that he or she has reason to believe is engaged in practicing any profession for which a license, certificate, or registration is required by the Uniform Licensing Law. The department may, along with the Attorney General and other law enforcement agencies, investigate such reports or other complaints of unauthorized practice. The board of examiners for the profession may issue an order to cease and desist the unauthorized practice of that profession as a measure to obtain licensure, certification, or registration of the person prior to referral of the matter to the Attorney General for action.

(3) Any licensee, certificate holder, or registrant listed under subsection (4) of this section who is required to file a report of loss or theft of a controlled substance to the federal Drug Enforcement Administration shall provide a copy of such report to the department.

(4) Every licensee, certificate holder, or registrant regulated under the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Nurse Practitioner Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall, within thirty days of an occurrence described in this subsection, report to the department in such manner and form as the department may require by rule and regulation whenever he or she:

(a) Has first-hand knowledge of facts giving him or her reason to believe that any person in his or her profession has committed acts indicative of gross incompetence, a pattern of negligent conduct as defined in subdivision (5)(e) of section 71-147, or unprofessional conduct, may be practicing while his or

her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability, or has otherwise violated such regulatory provisions governing the practice of the profession;

(b) Has first-hand knowledge of facts giving him or her reason to believe that any person in another profession regulated under such regulatory provisions has committed acts indicative of gross incompetence or may be practicing while his or her ability to practice is impaired by alcohol, controlled substances, narcotic drugs, or physical, mental, or emotional disability. The requirement to file a report under subdivision (a) or (b) of this subsection shall not apply (i) to the spouse of the practitioner, (ii) to a practitioner who is providing treatment to such person in a practitioner-patient relationship concerning information obtained or discovered in the course of treatment unless the treating practitioner determines that the condition of the person may be of a nature which constitutes a danger to the public health and safety by the person's continued practice, or (iii) when a chemically impaired professional enters the Licensee Assistance Program authorized by section 71-172.01 except as provided in such section; or

(c) Has been the subject of any of the following actions:

(i) Loss of privileges in a hospital or other health care facility due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment or the voluntary limitation of privileges or resignation from staff of any health care facility when that occurred while under formal or informal investigation or evaluation by the facility or a committee of the facility for issues of clinical competence, unprofessional conduct, or physical, mental, or chemical impairment;

(ii) Loss of employment due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(iii) Adverse judgments, settlements, or awards arising out of professional liability claims, including settlements made prior to suit, or adverse action by an insurance company affecting professional liability coverage. The department may define by rule and regulation what constitutes a settlement that would be reportable when a practitioner refunds or reduces a fee or makes no charge for reasons related to a patient or client complaint other than costs;

(iv) Denial of licensure, certification, registration, or other form of authorization to practice by any state, territory, or jurisdiction, including any military or federal jurisdiction, due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment;

(v) Disciplinary action against any license, certificate, registration, or other form of permit he or she holds taken by

another state, territory, or jurisdiction, including any federal or military jurisdiction, the settlement of such action, or any voluntary surrender of or limitation on any such license, certificate, registration, or other form of permit;

(vi) Loss of membership in a professional organization due to alleged incompetence, negligence, unethical or unprofessional conduct, or physical, mental, or chemical impairment; or

(vii) Conviction of any misdemeanor or felony in this or any other state, territory, or jurisdiction, including any federal or military jurisdiction.

(5) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. Any person making a report to the department under this section except those self-reporting shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. Persons who are members of committees established under sections 25-12,123, ~~and~~ 71-2046 to 71-2048, and sections 1 to 3 of this act or witnesses before such committees shall not be required to report such activities. Any person who is a witness before a committee established under such sections shall not be excused from reporting matters of first-hand knowledge that would otherwise be reportable under this section only because he or she attended or testified before such committee. Documents from original sources shall not be construed as immune from discovery or use in actions under subsection (4) of this section.

Sec. 5. Original section 71-168, Revised Statutes Supplement, 1995, is repealed.".

LEGISLATIVE BILL 1366. Placed on General File as amended.
Standing Committee amendment to LB 1366:
AM2980

1. Strike the original sections and insert the following new sections:

"Section 1. Section 71-5102, Revised Statutes Supplement, 1995, is amended to read:

71-5102. For purposes of sections 60-337 and 71-5101 to 71-5164, unless the context otherwise requires:

(1) Airway shall mean a route for the passage of air into and out of the lungs;

(2) Ambulance or rescue service unit shall mean any privately or publicly owned motor vehicle or aircraft that is especially designed, constructed or modified, and equipped and is intended to be used for and is maintained or operated for the overland or air transportation of patients upon the streets, roads, highways, airspace, or public ways in this state, including funeral

coaches or hearses, or any other motor vehicles or aircraft used for such purposes, but shall not include or mean any motor vehicle or aircraft owned or operated under the direct control of an agency of the United States Government;

(3) Ambulance attendant shall mean an individual trained or qualified to provide for, or any other individual who provides for, the care of patients while such patients are being transported in an ambulance;

(4) Artificial airway shall mean a device that is inserted through the nose or mouth to allow passage of air and oxygen to the lungs;

(5) Artificial ventilation shall mean opening the airway and restoring breathing by mouth-to-mouth or mouth-to-nose ventilation and by the use of mechanical devices;

(6) Automatic defibrillator shall mean a monitor or device capable of rhythm analysis which will charge and deliver a shock after electronically detecting the presence of ventricular fibrillation or rapid ventricular tachycardia;

(7) Basic life support shall mean those acts ordinarily performed after training by emergency medical technicians, including the use of oxygen, syrup of ipecac, pharyngeal airways, and pneumatic antishock garments, and not specifically preempted and separately licensed under the Emergency Medical Technician-Paramedic Act. When special training and certification requirements have been met, basic life support shall also include the use of automatic and semiautomatic defibrillators, the administration and maintenance of intravenous fluids, and the administration of nonvisualized advanced airway management devices;

(8) Board shall mean the Board of Ambulance Advisors;

(9) Certification shall mean formal notice of certain privileges and abilities after completion of certain training and testing;

(10) Certified ambulance attendant shall mean any individual fulfilling the requirements of section 71-5109 and shall include an emergency medical technician meeting such requirements regardless of whether such emergency medical technician is a member of a transporting ambulance service or rescue service;

(11) Contraindication shall mean a condition that renders a medical procedure, treatment, or medication undesirable;

(12) Defibrillation shall mean the automatic or semiautomatic application of electrocountershock therapy to persons in ventricular fibrillation or rapid ventricular tachycardia;

(13) Department shall mean the Department of Health;

(14) Division shall mean the Division of Emergency Medical Services of the department;

(15) Electrolytes shall mean salts dissolved in body fluids and cells;

(16) Emergency medical technician shall mean a prehospital emergency care provider trained and certified to that

level of basic life support prescribed in subsection (2) of section 71-5109 and for such other skills as determined by the department;

(17) Emergency medical technician-A/D or emergency medical technician-automatic/defibrillator shall mean an emergency medical technician who has been additionally trained, tested, and certified in the use and operation of automatic or semiautomatic defibrillators pursuant to rules and regulations adopted and promulgated by the department pursuant to sections 71-5101 to 71-5140;

(18) Emergency medical technician-A/D service shall mean any privately or publicly owned entity, or any combination thereof, utilizing certified emergency medical technicians-A/D and a physician medical director to provide prehospital emergency care and to provide defibrillation;

(19) Emergency medical technician-AM or emergency medical technician-airway management shall mean an emergency medical technician who has been additionally trained, tested, and certified in the use and operation of nonvisualized advanced airway management devices pursuant to rules and regulations adopted and promulgated by the department;

(20) Emergency medical technician-AM service shall mean any privately or publicly owned entity, or any combination thereof, utilizing certified emergency medical technicians-AM and a physician medical director to provide prehospital emergency care and to provide nonvisualized advanced airway management;

(21) Emergency medical technician-IV or emergency medical technician-intravenous shall mean an emergency medical technician who has been additionally trained, tested, and certified in the use and operation of peripheral intravenous line initiation and maintenance pursuant to rules and regulations adopted and promulgated by the department;

(22) Emergency medical technician-IV service shall mean any privately or publicly owned entity, or any combination thereof, utilizing certified emergency medical technicians-IV and a physician medical director to provide prehospital emergency care and to provide peripheral intravenous line initiation and maintenance;

(23) Endotracheal intubation shall mean a method of airway management in which a tube is placed through a patient's mouth or nose and directly through the larynx between the vocal cords while visualizing the vocal cords and into the trachea for the purpose of opening and maintaining an airway;

(24) First responder-A/D or first responder-automatic/defibrillator shall mean a first responder who has been additionally trained, tested, and certified in the use and operation of automatic or semiautomatic defibrillators pursuant to rules and regulations adopted and promulgated by the department pursuant to sections 71-5101 to 71-5140;

(25) First responder-A/D service shall mean a first

responder service utilizing first responders-A/D and a physician medical director to provide prehospital emergency care and to provide defibrillation;

(26) Hypovolemic shock shall mean shock resulting from loss of body fluid or blood;

(27) Infusion shall mean the introduction of fluid other than blood or blood products into the vascular system;

(28) Intravenous shall mean within the vein;

(29) Intravenous line shall mean a polyethylene catheter through which fluids are given directly into a vein;

(30) Oropharyngeal airway shall mean an artificial airway positioned in the mouth to prevent blockage of the upper airway by the tongue;

(31) Oxygen shall mean a gas that is necessary for breathing and is found free in the air;

(32) Patient shall mean an individual who is sick, injured, wounded, or otherwise helpless or incapacitated;

(33) Peripheral intravenous therapy shall mean infusion of fluid other than blood or blood products into the vascular system to establish and maintain access to the circulation or to provide fluids in order to maintain an adequate circulatory blood volume;

(34) Person shall mean an individual, firm, partnership, limited liability company, corporation, company, association, joint-stock company or association, political subdivision, governmental agency, or other legal entity and shall include any trustee, receiver, assignee, or other legal representative thereof but shall not include any agency of the United States Government;

(35) Physician medical director shall mean a physician licensed to practice medicine and surgery pursuant to the Uniform Licensing Law who is responsible for the medical supervision of certified emergency medical technicians-A/D, emergency medical technicians-IV, or emergency medical technicians-AM and is responsible for proctoring their proficiency maintenance and continuing education requirements;

(36) Primary response service area shall mean the primary geographic area which an ambulance service, first responder-A/D service, emergency medical technician-A/D service, emergency medical technician-AM service, or emergency medical technician-IV service serves and which such service has sufficient staff and equipment to reasonably serve;

(37) Protocols shall mean a set of written policies, procedures, and directions from a physician medical director to an emergency medical technician concerning the medical procedures to be performed in specific situations;

(38) Resuscitation shall mean restoring to life or consciousness by using assisted breathing to restore ventilation and cardiopulmonary resuscitation or defibrillation to restore circulation;

(39) Semiautomatic defibrillator shall mean a monitor or device which is capable of electronically detecting a ventricular fibrillation and rapid ventricular tachycardia but requires user interaction in order to deliver a shock;

(40) Standing orders shall mean a direct order from the physician medical director to perform certain tasks for a patient under a specific set of circumstances;

(41) Syrup of ipecac shall mean a preparation of the direct root of a shrub found in Brazil and other parts of South America that can cause vomiting; and

(42) Ventilation shall mean the exchange of air between the lungs and the air of the environment as in breathing.

Sec. 2. Section 71-5103, Reissue Revised Statutes of Nebraska, is amended to read:

71-5103. No ambulance may transport any patient upon any street, road, highway, airspace, or public way in the State of Nebraska unless it holds a valid license issued by the department to do so.

In addition to the duties provided in sections 71-5124 to 71-5140, the board may adopt and promulgate rules and regulations establishing various classes of ambulance service based on the mode of transportation, both ground and air, the condition of the patient to be transported, whether life-support equipment is necessary for transportation of such a patient, and similar factors.

Sec. 3. Section 71-5108, Revised Statutes Supplement, 1995, is amended to read:

71-5108. (1) No ambulance shall be licensed to transport any patient upon any street, road, highway, airspace, or public way in the State of Nebraska unless such ambulance, when so transporting patients, is occupied by at least one certified ambulance attendant. Such requirement shall be met if any of the individuals providing the service is a licensed physician, registered nurse, certified physician assistant, or licensed practical nurse as specified in section 71-5108.01 rather than a certified ambulance attendant. A certified physician assistant as defined in section 71-1,107.16 providing the service shall be entitled to provide all services authorized under sections 71-1,107.15 to 71-1,107.30.

(2) No emergency medical technician-A/D service shall be licensed to transport any patient upon any street, road, highway, airspace, or public way in this state unless at least one certified emergency medical technician is present on all runs to assist an emergency medical technician-A/D at the scene and during transportation.

(3) A first responder-A/D shall accompany the patient in an ambulance to operate the defibrillator and assist the certified ambulance attendants if the ambulance is not licensed to provide defibrillator services.

Sec. 4. Section 71-5122, Reissue Revised Statutes of Nebraska, is amended to read:

71-5122. Any person who operates an ambulance for the purpose of transporting any patient upon any street, road, highway, airspace, or public way in the State of Nebraska without first obtaining a license therefor from the department shall be guilty of a Class IV misdemeanor, and each day such ambulance shall be so operated without a license after a first conviction shall be considered a separate offense. Such person shall also be guilty of maintaining a nuisance pursuant to the provisions of section 28-1321 and shall, upon conviction thereof, be both so fined and ordered to abate such nuisance.

Sec. 5. Section 71-5123, Reissue Revised Statutes of Nebraska, is amended to read:

71-5123. Any person who operates an ambulance for the purpose of transporting any patient upon any street, road, highway, airspace, or public way in the State of Nebraska without first obtaining a license therefor from the department may be restrained by temporary or permanent injunction upon the motion of the county attorney of the county in which such person resides or engages in such business or activity or upon the motion of the Attorney General.

Sec. 6. Original sections 71-5103, 71-5122, and 71-5123, Reissue Revised Statutes of Nebraska, and sections 71-5102 and 71-5108, Revised Statutes Supplement, 1995, are repealed.".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1248. Title read. Considered.

Standing Committee amendment, AM3114, found in the Journal on page 843, was considered.

Mr. Vrtiska renewed his pending amendment, AM3270, found in the Journal on page 868, to the Standing Committee amendment.

Messrs. Landis, Wesely, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mr. Jones and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Hartnett moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Vrtiska amendment was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 964:
AM3257
1. Strike the Schimek amendment, FA410.
2. In the E & R amendments, AM7207:
a. Strike amendment 4 and renumber the remaining amendment accordingly; and
b. On page 1, strike beginning with the semicolon in line 4 through the last quotation mark in line 5.

Mr. Kristensen filed the following amendment to LB 964:
AM3033
1. On page 3, line 15; and page 4, line 22, strike "A" and insert "Until December 31, 1999, a".

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1147. Indefinitely postponed.

LEGISLATIVE RESOLUTION 277CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 281CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 295CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 308CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 309CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1248. Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA457
Amend AM3270
Page 1, line 23, add:
"(c) No costs or expenses growing out of or associated with the prosecution of any capital case shall be deemed abnormal expenses of government."

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Mr. Jones and Mrs. Hudkins 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?"

Mr. Vrtiska 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, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Vrtiska requested the roll call vote be taken in reverse order.

Voting in the affirmative, 6:

Chambers	Lindsay	Preister	Wesely	Will
Hilgert				

Voting in the negative, 29:

Abboud	Bromm	Engel	Landis	Schrock
Avery	Coordsen	Fisher	Lynch	Vrtiska
Bernard-Stevens	Crosby	Hillman	Matzke	Warner
	Cudaback	Janssen	Pirsch	Wehrbein
Beutler	Dierks	Klein	Schellpeper	Wickersham
Brashear	Elmer	Kristensen	Schmitt	Witek

Present and not voting, 5:

Brown	Maurstad	McKenzie	Robak	Schimek

Excused and not voting, 9:

Bohlke	Hudkins	Jones	Robinson	Withem
Hartnett	Jensen	Pedersen	Stuhr	

The Chambers amendment lost with 6 ayes, 29 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie and Mr. Klein asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA458
Amend the Committee amendment as follows
Add the following section
(1) This act shall terminate on June 30, 1998.
(2) on line 15 page 1 eliminate the words "or federal government"

Messrs. Lynch, Schellpeper, and Schrock asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 1248:
FA459
Amend AM3270
Page 1, line 16, after "disaster" strike all language through "81-829.39" and insert "which means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural cause including but not limited to fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or civil disturbance."

Mr. Chambers filed the following amendment to LB 1248:
FA460
P. 1, line 19, after "occurred" insert "not more than three years"

MOTION - Place LB 1243 on General File

Mr. Beutler moved to place LB 1243 on General File, notwithstanding the action of the Government Committee, pursuant to Rule 3, Section 17.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 972. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 1264. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

February 23, 1996

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 Rod Rhoden has resigned from the Nebraska Motor Vehicle Industry Licensing Board. Please withdraw his name for confirmation. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

VISITORS

Visitors to the Chamber were Jennie Gutierrez from Lexington; Olga Olivarex from Gering; 40 fourth grade students and sponsors from Paddock Lane Elementary, Beatrice; Senator Klein's sister, Marilyn Lindner, from Grand Island; 66 fourth grade students and sponsors from Valley Public School; John, Jami, Tad, Betsy, Sarah, and Tom Anderson from Kearney; former Senator Willard Waldo from DeWitt; and Judy Yeck from Lincoln.

The Doctor of the Day was Clarence Davis from Osceola.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 9:00 a.m., Monday, February 26, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-THIRD DAY - FEBRUARY 26, 1996

LEGISLATIVE JOURNAL

THIRTY-THIRD DAY - FEBRUARY 26, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 26, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Kevin McDonald, Covenant Presbyterian Church, Omaha, Nebraska and Pastor Charles Bickel, Salem Lutheran Church of Fontenelle, Nickerson, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Jensen who was excused; and Messrs. Abboud, Bernard-Stevens, Bromm, Cudaback, Dierks, Engel, Kristensen, Landis, Lindsay, Matzke, Will, Mmes. Bohlke, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1050. Placed on Select File as amended.
(E & R amendment, AM7210, 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 964. Placed on Select File as amended.
E & R amendment to LB 964:
AM7207
1. In the Chambers amendment FA413, on page 1, after "village" insert an underscored comma.

2. On page 1, line 4, strike "certain".
3. On page 4, line 23, strike the comma; and in line 28 strike "(2)" and insert "(1)".
4. On page 5, line 2, strike "(3)" and insert "(2)"; in line 4 strike "(4)" and insert "(3)"; in line 6 strike "(5)" and insert "(4)"; in line 10 strike "(6)" and insert "(5)"; and in line 13 strike "(7)" and insert "(6)".
5. On page 8, line 17, strike "insure" and insert "ensure".

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 1088:
AM3306
(Amendments to Standing Committee amendments, AM3220)
1. Strike amendments 1, 7, and 8.

Mr. Lindsay filed the following amendment to LB 1088:
AM3305
1. In the Standing Committee amendment, AM3220, strike amendment 6.
2. On page 26, line 26; and page 27, line 6, before "or" insert ", a beer wholesale license, a manufacturer's license,".

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 939, 949, and 584.

GENERAL FILE

LEGISLATIVE BILL 1248. Mr. Vrtiska offered the following amendment to the pending Standing Committee amendment:
FA461
Amend the Committee amendments (AM3270) as follows:
On page 2, line 10, after "grants" insert "or loans".

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

The Vrtiska amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Chambers renewed his pending amendment, FA459, found in the Journal on page 904, to the Standing Committee amendment.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 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.

Mr. Chambers renewed his pending amendment, FA460, found in the Journal on page 904, to the Standing Committee amendment.

The Chambers amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

Messrs. Cudaback, Janssen, Jones, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1055. Title read. Considered.

Standing Committee amendment, AM3034, found in the Journal on page 721, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Schmitt renewed his pending amendment, AM3083, found in the Journal on page 764.

Messrs. Vrtiska and Bernard-Stevens asked unanimous consent to be excused until they return. No objections. So ordered.

The Schmitt amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 982. Placed on General File as amended.

Standing Committee amendment to LB 982:
AM2960

1. On page 2, lines 3 and 4 strike "additional sites as appropriate" and insert "one additional site in a county with less than one hundred thousand inhabitants which does not adjoin a county with one hundred thousand inhabitants or more. No cemetery shall be established pursuant to this section in any county in which a national or state veteran cemetery exists that is open for burials"; and in line 6 after the period insert "Any gift, bequest, or devise of real property for the cemetery system shall be subject to the approval requirements of section 81-1108.33 notwithstanding the value of the real property.".

LEGISLATIVE BILL 1243. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on the final passage of LB 939 and LB 949.

(Signed) Dwite Pedersen

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 1275:
AM3295

1. On page 6, line 5, strike "Such", show as stricken, and insert "If the bank is located within the corporate limits of a city, such"; in line 6 strike "in which such bank is located, or if", show as stricken, and insert ". If"; and in line 11 after "city" insert "if the bank was in existence at such location prior to the effective date of this act".

2. On page 9, lines 3, 7, and 14, strike "bank" and show as stricken; in line 4 strike "bank", show as stricken, and insert "financial institution"; in line 5 strike "bank has been approved", show as stricken, and insert "has been established, maintained, and operated"; in line 6 after the semicolon insert "and"; in line 8 after "bank" insert an underscored period and strike "; and" and show as stricken; strike lines 9 through 12; in line 15 strike "branch banks", show as stricken, and insert "branches"; and after line 21 insert the following new paragraph:

"For purposes of this subsection, financial institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.".

Mr. Hartnett filed the following amendment to LB 1057:
AM3303
(Amendments to Standing Committee amendments, AM3216)
1. On page 12, line 17, strike "January 1, 1997" and insert "October 1, 1996".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 26, 1996, at 9:30 a.m., were the following bills: 584, 939, and 949.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 681. Title read. Considered.

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

Standing Committee amendment, AM0707, found in the Journal on page 1023, First Session, 1995, was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Landis renewed his pending amendment, AM1177, found in the Journal on page 1391, First Session, 1995.

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

The Landis amendment was adopted with 28 ayes, 0 nays, 14 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.

MR. LANDIS PRESIDING

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1035. Placed on Select File.

LEGISLATIVE BILL 1001. Placed on Select File as amended.
E & R amendment to LB 1001:
AM7208

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-102, Revised Statutes Supplement, 1995, is amended to read:

43-102. Except as otherwise provided in the Nebraska Indian Child Welfare Act, any person or persons desiring to adopt a minor child or an adult child of such person's spouse shall file, in the county court of the county in which the person or persons desiring to adopt such child reside, a petition for adoption signed and sworn to by the person or persons desiring to adopt, the consent or consents required by section 43-104 or 43-104.07, the documents required by section 43-104.07; or the documents required by sections 43-104.08 to 43-104.24, and a completed preplacement adoptive home study if required by section 43-107.

Except as set out in subdivisions (1)(b)(ii), (iii), and (iv) of section 43-107, an adoption decree shall not be issued until at least six months after an adoptive home study has been completed by the department or a licensed child placement agency.

Sec. 2. Section 43-246, Reissue Revised Statutes of Nebraska, is amended to read:

43-246. Acknowledging the responsibility of the juvenile court to act to preserve the public peace and security, the Nebraska Juvenile Code shall be construed to effectuate the following:

(1) To assure the rights of all juveniles to care and protection and a stable living environment and to development of their capacities for a healthy personality, physical well-being, and useful citizenship and to protect the public interest;

(2) To provide for the intervention of the juvenile court in the interest of any juvenile who is within the provisions of the Nebraska Juvenile Code, with due regard to parental rights and capacities and the availability of nonjudicial resources;

(3) To remove juveniles who are within the Nebraska Juvenile Code from the criminal justice system whenever possible and to reduce the possibility of their committing future law violations through the provision of social and rehabilitative services to such juveniles and their families;

(4) To achieve the foregoing purposes in the juvenile's own home whenever possible, separating the juvenile from his or her parent only when necessary for his or her welfare or in the interest of public safety and, when temporary separation is necessary, to consider the developmental needs of the individual juvenile in all placements, to consider relatives as a preferred

potential placement resource, and to assure every reasonable effort possible to reunite the juvenile and his or her family;

(5) To provide a judicial procedure through which these purposes and goals are accomplished and enforced in which the parties are assured a fair hearing and their constitutional and other legal rights are recognized and enforced; and

(6) To assure compliance, in cases involving Indian children, with the Nebraska Indian Child Welfare Act.

Sec. 3. Section 43-533, Revised Statutes Supplement, 1995, is amended to read:

43-533. The following principles shall guide the actions of state government and departments, agencies, institutions, committees, courts, and commissions which become involved with families and children in need of assistance or services:

(1) Prevention, early identification of problems, and early intervention shall be guiding philosophies when the state or a department, agency, institution, committee, court, or commission plans or implements services for families or children when such services are in the best interests of the child;

(2) When families or children request assistance, state and local government resources shall be utilized to complement community efforts to help meet the needs of such families or the needs and the best interests of such children. The state shall encourage community involvement in the provision of services to families and children, including as an integral part, local government and public and private group participation, in order to encourage and provide innovative strategies in the development of services for families and children;

(3) To maximize resources the state shall develop methods to coordinate services and resources for families and children. Every child-serving department, agency, institution, committee, court, or commission shall recognize that the jurisdiction of such department, agency, institution, committee, court, or commission in serving multiple-need children is not mutually exclusive;

(4) When children are removed from their home, permanency planning shall be the guiding philosophy. It shall be the policy of the state ~~to~~ (a) to reunite the child with his or her family in a timeframe appropriate to the age and developmental needs of the child so long as the best interests of the child, including the needs and safety of the child, have been given primary consideration in making a determination whether or not reunification is possible, ~~and~~ (b) when a child cannot remain with parents, to give preference to relatives as a placement resource, and (c) to minimize the number of placement changes for children in out-of-home care so long as the best interests of the child in care, including the needs and safety of the child, are considered; and

(5) When families cannot be reunited and when active parental involvement is absent, adoption shall be aggressively

pursued. Absent the possibility of adoption other permanent settings shall be pursued. In either situation, the best interests of the child shall be the overriding concern. Within that context, preference shall be given to relatives for the permanent placement of the child.

Sec. 4. Sections 1, 4, 5, and 7 of this act become operative on their effective date. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 5. Original section 43-102, Revised Statutes Supplement, 1995, is repealed.

Sec. 6. Original section 43-246, Reissue Revised Statutes of Nebraska, and section 43-533, Revised Statutes Supplement, 1995, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, strike "section" and insert "sections 43-102 and"; in line 4 after the first "to" insert "adoption filing requirements and" and strike "and" and insert "to provide operative dates;"; and in line 5 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 972. Placed on Select File.

LEGISLATIVE BILL 973. Placed on Select File as amended.
E & R amendment to LB 973:
AM7211

1. On page 2, line 1, strike "Sections 1 to 10 of this" and insert "This".

2. On page 4, line 10, strike the first "or".

3. On page 6, line 15, strike "this" and insert "the".

(Signed) David I. Maurstad, Chairperson

AMENDMENT - Print in Journal

Messrs. Lindsay and Wesely filed the following amendment to LB 1055:
AM3304

1. Insert the following new sections:

"Section 1. (1) For purposes of sections 69-2401 to 69-2425 and this section, the Nebraska State Patrol shall be furnished upon the patrol's request with only such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to state or federal law. Such information shall be furnished by the Department of Public Institutions. The clerks of the various courts shall furnish to the Department of Public Institutions within thirty days of the order of commitment or

finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-1823 or 29-3702. The Department of Public Institutions shall also maintain in the data base a listing of persons who have been found to be not responsible by reason of insanity. Information regarding mental health board commitments shall not be retained in the data base maintained by the department on persons who have been discharged from that commitment more than five years previously. Any such information maintained or disclosed under this subsection shall remain privileged and confidential and shall not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.

Sec. 2. Section 69-2402, Revised Statutes Supplement, 1994, is amended to read:

69-2402. For purposes of sections 69-2401 to 69-2425 and section 1 of this act:

(1) Antique handgun or pistol shall mean any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary

channels of commercial trade; and

(2) 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.

Sec. 3. Section 69-2405, Revised Statutes Supplement, 1994, is amended to read:

69-2405. Upon the receipt of an application for a certificate, the chief of police or sheriff shall issue a certificate or deny a certificate and furnish the applicant the specific reasons for the denial in writing. The chief of police or sheriff shall be permitted up to two days in which to conduct an investigation to determine whether the applicant is prohibited by law from purchasing or possessing a handgun. If the certificate or denial is mailed to the applicant, it shall be mailed to the applicant's address by first-class mail within the two-day period. If it is determined that the purchase or possession of a handgun by the applicant would be in violation of applicable federal, state, or local law, the chief of police or sheriff shall deny the certificate. In computing the two-day period, the day of receipt of the application shall not be included and the last day of the two-day period shall be included. The two-day period shall expire at 11:59 p.m. of the second day unless it is a Saturday, Sunday, or legal holiday in which event the period shall run until 11:59 p.m. of the next day which is not a Saturday, Sunday, or legal holiday. No later than the end of the two-day period the chief of police or sheriff shall issue or deny such certificate and, if the certificate is denied, furnish the applicant the specific reasons for denial in writing. No civil liability shall arise to any law enforcement agency if such law enforcement agency complies with sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act.

Sec. 4. Section 69-2408, Revised Statutes Supplement, 1994, is amended to read:

69-2408. Any person who willfully provides false information on an application form for a certificate under section 69-2404 shall, upon conviction, be guilty of a Class IV felony, and any person who intentionally violates any other provision of sections 69-2401 and 69-2403 to 69-2407 and section 1 of this act shall, upon conviction, be guilty of a Class I misdemeanor. As a part of the judgment of conviction, the court may order the confiscation of the handgun.

Sec. 5. Section 69-2409, Revised Statutes Supplement, 1994, is amended to read:

69-2409. It is the intent of the Legislature that the Nebraska State Patrol implement an expedited program of upgrading Nebraska's automated criminal history files to be utilized for, among other law enforcement purposes, an instant criminal history record check on handgun purchasers when buying a handgun from a licensed importer, manufacturer, or dealer so that such instant criminal history record check may be implemented as soon as

possible on or after January 1, 1995.

The patrol's automated arrest and conviction records shall be reviewed annually by the Superintendent of Law Enforcement and Public Safety who shall report the status of such records within thirty days of such review to the Governor and the Clerk of the Legislature. The instant criminal history record check system shall be implemented by the patrol on or after January 1, 1995, when, as determined by the Superintendent of Law Enforcement and Public Safety, eighty-five percent of the Nebraska arrest and conviction records since January 1, 1965, available to the patrol are included in the patrol's automated system. Not less than thirty days prior to implementation and enforcement of the instant check system, the patrol shall send written notice to all licensed importers, manufacturers, and dealers outlining the procedures and toll-free number described in sections 69-2410 to 69-2423.

Upon implementation of the instant criminal history record check system, a person who desires to purchase, lease, rent, or receive transfer of a handgun from a licensed importer, manufacturer, or dealer may elect to obtain such handgun either under sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act or under sections 69-2410 to 69-2423 and section 1 of this act.

Sec. 6. Section 69-2410, Revised Statutes Supplement, 1994, is amended to read:

69-2410. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver any handgun to another person other than a licensed importer, manufacturer, dealer, or collector until he or she has:

(1)(a) Inspected a valid certificate issued to such person pursuant to sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act; and

(b) Inspected a valid identification containing a photograph of such person which appropriately and completely identifies such person; or

(2)(a) Obtained a completed consent form from the potential buyer or transferee, which form shall be established by the Nebraska State Patrol and provided by the licensed importer, manufacturer, or dealer. The form shall include only the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected a valid identification containing a photograph of the potential buyer or transferee which appropriately and completely identifies such person;

(c) Requested by toll-free telephone call or other electromagnetic communication that the Nebraska State Patrol conduct a criminal history record check; and

(d) Received a unique approval number for such inquiry from the Nebraska State Patrol indicating the date and number on the consent form.

Sec. 7. Section 69-2421, Revised Statutes Supplement,

1994, is amended to read:

69-2421. Any licensed importer, manufacturer, or dealer who knowingly and intentionally sells or delivers a handgun in violation of sections 69-2401 to 69-2425 and section 1 of this act shall be guilty of a Class IV felony.

Sec. 8. Section 69-2422, Revised Statutes Supplement, 1994, is amended to read:

69-2422. For purposes of sections 69-2401 to 69-2425 and section 1 of this act, any person who knowingly and intentionally obtains a handgun for the purposes of transferring it to a person who is prohibited from receipt or possession of a handgun by state or federal law shall be guilty of a Class IV felony.

Sec. 9. Section 69-2424, Revised Statutes Supplement, 1994, is amended to read:

69-2424. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 69-2401 to 69-2425 and section 1 of this act.

Sec. 10. Section 69-2425, Revised Statutes Supplement, 1994, is amended to read:

69-2425. Any city or village ordinance existing on September 6, 1991, shall not be preempted by sections 69-2401 to 69-2425 and section 1 of this act.

Sec. 20. Section 83-109, Reissue Revised Statutes of Nebraska, is amended to read:

83-109. The Department of Public Institutions shall have general control over the admission of patients and residents to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him or her. A record of every patient or resident of every institution shall be kept complete from the date of his or her entrance to the date of his or her discharge or death, such records to be accessible only (1) to the department, a legislative committee, the Governor, any federal agency requiring medical records to adjudicate claims for federal benefits, and any public or private agency under contract to provide facilities, programs, and patient services, (2) upon order of a judge or court, ~~or~~ (3) in accordance with sections 20-161 to 20-166, or (4) the Nebraska State Patrol pursuant to section 1 of this act. In addition, a patient or resident or his or her legally authorized representative may authorize the specific release of his or her records, or portions thereof, by filing with the department a signed written consent. Transfers of patients or residents from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers. When the department is unable to assign a patient to a regional center or commit him or her to any other institution at the time of application, a record thereof shall be kept and the patient accepted at the earliest practicable date. The superintendents of the regional centers and Beatrice State Developmental Center shall

notify the department immediately whenever there is any question regarding the propriety of the commitment, detention, transfer, or placement of any person admitted to a state institution. The department shall then investigate the matter and take such action as shall be proper. Any interested party who is not satisfied with such action may appeal such action, and the appeal shall be in accordance with the Administrative Procedure Act. The department shall have full authority on its own suggestion or upon the application of any interested person to investigate the physical and mental status of any patient or resident of any regional center or the Beatrice State Developmental Center. If upon such investigation the department considers such patient or resident fit to be released from the regional center or Beatrice State Developmental Center, it shall cause such patient or resident to be discharged or released on convalescent leave.

Sec. 21. Section 83-1068, Reissue Revised Statutes of Nebraska, is amended to read:

83-1068. All records kept on any subject of a petition shall remain confidential, except as may be provided otherwise by law. Such records shall be accessible to (1) the subject, (2) the subject's counsel, (3) the subject's parents or guardian if the subject is a minor or legally incompetent, (4) the mental health board having jurisdiction over the subject, (5) persons authorized by an order of a judge or court, ~~or~~ (6) persons authorized by written permission of the subject, or (7) the Nebraska State Patrol or the Department of Public Institutions pursuant to section 1 of this act. Upon application by the county attorney or by the director of the facility where the subject is in custody and upon a showing of good cause therefor, a judge of the district court of the county where the mental health board proceedings were held or of the county where the facility is located may order that the records shall not be made available to the subject if, in the judgment of the court, the availability of such records to the subject will adversely affect his or her mental state and the treatment thereof.".

2. On page 2, line 4, strike "3 to 9" and insert "13 to 19".

3. On page 6, line 24, strike "6 and 7" and insert "16 and 17"; in line 26 strike "and" and insert a comma, and after "81-1414" insert ", 83-109, and 83-1068"; and in line 27 after the comma insert "and sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994,".

4. Renumber the remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

February 26, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 939 was received in my office on February 26, 1996.

This bill was signed by me on February 26, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 943. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

Revenue

LEGISLATIVE BILL 1253. Placed on General File.
LEGISLATIVE BILL 1290. Placed on General File.

(Signed) Jerome Warner, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 681. No objections. So ordered.

VISITORS

Visitors to the Chamber were Leonard Mostek from St. Paul; Evelyn Aufdenkamp from Clay Center; 28 students and teacher from Northwest High School, Grand Island; and Senator Wesely's daughter, Sarah, and a group of sixth grade students and teachers from Robin Mickle Middle School, Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Brashear, the Legislature adjourned until 9:00 a.m., Tuesday, February 27, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FOURTH DAY - FEBRUARY 27, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 27, 1996

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Dr. Latonya Bynum, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Engel, Landis, Lindsay, Lynch, Warner, Will, Withem, Mmes. Bohlke, Hudkins, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1028. Placed on Select File.

LEGISLATIVE BILL 1205. Placed on Select File as amended.
E & R amendment to LB 1205:
AM7212

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) The Board of Educational Lands and Funds shall prepare a plan for the sale of all educational lands over which the board has general management and control. The plan shall be submitted to the Education Committee of the Legislature on or

before December 1, 1996. The plan shall comply with the fiduciary duties of the board but shall provide for the sale of ninety-five percent of all educational lands by January 1, 2012, and provide for the sale of the remaining five percent of all educational lands by such date unless the Legislature grants exemptions for specific parcels in which sale by such date would devalue the parcel. The plan shall be implemented beginning on July 1, 1997.

(2) Any sale under this section shall not include mineral rights.

(3) The state investment officer shall prepare a plan for investment of the funds derived from the sale of educational lands under the board's plan developed under this section. The state investment officer's plan shall be submitted to the Education Committee of the Legislature on or before December 1, 1996. The plan shall include estimated rates of return for the invested funds.

Sec. 2. Section 72-240.26, Reissue Revised Statutes of Nebraska, is amended to read:

72-240.26. The board shall report annually to the Clerk of the Legislature, and such report shall contain anticipated future actions by the board as well as actions already taken. The report shall include, with reference to each tract of land sold pursuant to section 1 of this act: (1) The legal description; (2) the appraised value; (3) the sale price; (4) the amount of funds received in the calendar year covered by the report from the sale; (5) the disposition of the funds; (6) the total number of acres of any unsold educational lands remaining under the general management and control of the board by county; and (7) the total appraised value of unsold land. Each member of the Legislature shall receive a copy of such report by making a request for it to the chairperson of the board.

Sec. 3. Section 72-258, Reissue Revised Statutes of Nebraska, is amended to read:

72-258. ~~Such~~ Educational land shall be offered for sale~~,~~ at public auction~~,~~ by a representative of the Board of Educational Lands and Funds~~,~~ and sold at not less than either the appraised value~~,~~ or the fair market value to the highest bidder. The appraised value for sales purposes ~~as provided in section 72-257~~ shall be the starting bid price. Notice of such sale and the time and place where the same will be held shall be given by publication three consecutive weeks in some legal newspaper published in the county where the tracts of land or the lots are located or, in case no legal newspaper is published in ~~said~~ the county, then in some legal newspaper of general circulation therein. The proof of such publication shall be made by the affidavit of the publisher~~,~~ ~~foreman~~ or principal clerk of such newspaper or by some other person knowing about the same~~,~~ and shall be filed in the office of the board. When ~~Board of Educational Lands and Funds; PROVIDED, when~~ the land consists of an undivided interest in realty, an

action to partition may be maintained in the same manner as provided by law for the partition of real property among several joint owners. All notices of sale shall be posted in the office of the ~~Board of Educational Lands and Funds~~ board. The board may arrange for such commercial advertising of land sales as it deems in the best interest of the state. The sale shall be subject to confirmation by the board that the requirements of this section have been met. Settlement shall be made by paying cash of not less than twenty percent of the purchase price at the time of sale and the balance shall be payable in cash within ninety days ~~of~~ after the date of sale. If the person submitting the high bid for the land fails to pay the balance of the purchase price and complete the sale within ninety days his or her rights under the sale, including the twenty percent downpayment, shall be forfeited by the board and a new sale shall be authorized.

Sec. 4. Section 72-259, Reissue Revised Statutes of Nebraska, is amended to read:

72-259. (1) The Board of Educational Lands and Funds shall deposit the proceeds of ~~such~~ the sales of educational lands ~~shall be deposited by the Board of Educational Lands and Funds~~ with the State Treasurer for the benefit of the various funds as provided in this section.

(2) The proceeds of the sales of common school and saline educational lands shall be deposited with the State Treasurer for the benefit of the permanent school fund of the state.

(3) The proceeds of the sales of university educational trust lands shall be deposited with the State Treasurer for the benefit of the Permanent Endowment Fund referred to in section 85-123.

(4) The proceeds of the sales of state college educational trust lands shall be deposited with the State Treasurer for the benefit of the endowment fund referred to in section 85-317. ~~permanent school fund of the state.~~

Sec. 5. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 6. Original sections 72-240.26, 72-258, and 72-259, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike line 5 and insert "lands; to provide a restriction on such sales; to require the state investment officer to prepare a plan for investment of the sale proceeds; to change provisions relating to a report, the procedure for sales of educational lands, and the disposition of proceeds;".

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1070. Placed on General File as amended.
Standing Committee amendment to LB 1070:
AM3311

1. Insert the following new section:
"Sec. 2. Buffalo County, Nebraska, shall grant a permanent easement across the real estate described in section 1 of this act to Emil J. Obermiller and Vicki L. Obermiller for the purpose of access to the Obermiller's property adjacent to such real estate. Emil J. Obermiller and Vicki L. Obermiller shall grant a permanent easement on such adjacent real estate to Buffalo County, Nebraska, and the city of Ravenna, for recreational trail purposes, on one hundred feet from the northernmost boundary to the south and the entire width from east to west of such one hundred feet, of the real estate situated in Buffalo County, Nebraska, and described on microfilm roll 94, pages 2946 and 2947, in the records of the Buffalo County Register of Deeds.".
2. On page 2, line 3, after "purposes" insert ", subject to the conditions described in section 2 of this act,".
3. On page 4, strike beginning with the semicolon in line 24 through "Commission" in line 26.

LEGISLATIVE BILL 1201. Placed on General File as amended.
Standing Committee amendment to LB 1201:
AM3284

1. Insert the following new section:
"Sec. 9. Section 81-15,103, Revised Statutes Supplement, 1995, is amended to read:
81-15,103. (1) For licensed activities involving disposal of low-level radioactive waste, the council shall adopt and promulgate rules and regulations which require a licensee to provide an adequate surety or other financial arrangement sufficient to accomplish any necessary corrective action or cleanup on real or personal property caused by releases of radiation from a disposal site during the operational life and closure period of the facility and to comply with the requirements for decontamination, decommissioning, site closure, and stabilization of sites, and structures and equipment used in conjunction with such licensed activity, in the event the licensee abandons the facility or defaults for any reason in performing its operational, closure, or other ~~such~~ requirements. Such sureties required under the license shall be compatible with applicable federal financial assurance regulations and shall be reviewed by the department at the time of license review under subsection (1) of section 81-15,106. Any arrangement which constitutes self-insurance shall not be allowed. In addition to the surety requirements, the licensee shall purchase property and third-party liability insurance and pay the necessary periodic premiums at all times in such amounts as determined by the council pursuant to rules and regulations adopted and promulgated

pursuant to the Low-Level Radioactive Waste Disposal Act.

(2) All sureties required pursuant to subsection (1) of this section which are forfeited shall be paid to the department and remitted to the State Treasurer for credit to the Radiation Site Closure and Reclamation Fund which is hereby created. Any money in the fund may be expended by the department as necessary to complete the requirements on which licensees have defaulted. Money in this fund shall not be used for normal operating expenses of the department. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) For licensed activities involving the disposal of low-level radioactive waste, the council shall adopt and promulgate rules and regulations which require a licensee, before termination of the license, to make available such funding arrangements as may be necessary to provide for custodial care.

(4)(a) Remedial cleanup costs which become necessary during the operational life and closure of the facility shall be the responsibility of the licensed facility operator either directly or through applicable surety bonds, insurance, and other financial arrangements required pursuant to subsection (1) of this section, and (b) any remaining remedial cleanup costs which become necessary during the operational life and closure of the facility and which exceed funds available under subdivision (a) of this subsection shall be assessed proportionately by waste volume against the generators, then proportionately by waste volume against the party states as provided by the Central Interstate Low-Level Radioactive Waste Compact.

(5) Remedial cleanup costs which become necessary during the period of custodial care shall be assessed (a) first, against the funds established pursuant to this section and any surety bonds, insurance, or other financial arrangements established for the facility, excluding such funds reserved for custodial care, (b) second, against the licensed facility operator, (c) third, against the generators based on proportionate waste volume, and (d) fourth, against the party states based on proportionate waste volume as provided by the Central Interstate Low-Level Radioactive Waste Compact.

~~(4)~~ (6) All funds collected from licensees pursuant to subsection (3) of this section and subsection (1) of section 81-15,101 shall be paid to the department and remitted to the State Treasurer for credit to the Radiation Custodial Care Fund which is hereby created. All interest accrued on money deposited in the fund may be expended by the department for the continuing custodial care, maintenance, and other care of facilities from which such funds are collected as necessary for protection of the public health, safety, and environment. Any money in the fund available for investment shall be invested by the state investment officer

pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~(5)~~ (7) The department may, by contract, agreement, lease, or license with the Department of Health, provide for the decontamination, closure, decommissioning, reclamation, surveillance, or other care of a site subject to this section as needed to carry out the purposes of this section.".

2. On page 14, strike beginning with "No" in line 16 through "place" in line 17 and insert "No waste shall be accepted by the facility"; and in line 28 strike "section" and insert "sections" and after "71-3503" insert "and 81-15,103".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1067. Indefinitely postponed.

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
Debra J. Hansen
Dan J. Hughes

Central Interstate Low-Level Radioactive Waste Commission
F. Gregory Hayden

Oil and Gas Conservation Commission
Ervain J. Friehe

VOTE: Aye: Senators Beutler, Bromm, Avery, Bohlke, Elmer, McKenzie, and Preister. Nay: None. Absent: Senator Jones.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 46CA. Read. Considered.

Standing Committee amendment, AM0016, found in the Journal on page 1401, First Session, 1995, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Chambers offered the following amendment:
FA462

P. 1, line 13, strike "The" and insert, "Except in counties having a population of three hundred thousand inhabitants or more the"

Ms. Schimek offered the following amendment to the Chambers pending amendment:
FA463

Sen. Chambers amendment be amended to change the number 300,000 to 100,000

SPEAKER WITHEM PRESIDING

Ms. Schimek withdrew her amendment.

MR. BERNARD-STEVENS PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 12:

Avery	Hilgert	Lynch	Preister	Schmitt
Chambers	Jensen	Pirsch	Schimek	Withem
Hartnett	Lindsay			

Voting in the negative, 30:

Bernard-Stevens	Coordsen	Hudkins	Maurstad	Stuhr
	Cudaback	Janssen	McKenzie	Vrtiska
Beutler	Dierks	Jones	Pedersen	Warner
Bohlke	Elmer	Klein	Robinson	Wehrbein
Brashear	Engel	Kristensen	Schellpeper	Wesely
Bromm	Fisher	Landis	Schrock	Wickersham
Brown				

Present and not voting, 5:

Crosby	Hillman	Matzke	Robak	Witek

Excused and not voting, 2:

Abboud	Will

The Chambers amendment lost with 12 ayes, 30 nays, 5 present and not voting, and 2 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.

Mr. Chambers moved to bracket LR 46CA.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Chambers motion to bracket prevailed with 25 ayes, 16 nays, 6 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1320. Placed on General File as amended.
Standing Committee amendment to LB 1320:
AM3321

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-1858, Reissue Revised Statutes of Nebraska, is amended to read:

77-1858. Wherever power is now given by the revenue laws of this state to the county treasurer of any county in this state to sell real estate, on which the taxes ~~shall not~~ have not been paid as provided by law, it shall include the power to sell ~~said~~ the real estate for (1) all the taxes and special assessments, except special assessments levied by a sanitary and improvement district organized under sections 31-727 to 31-762, levied or hereafter levied by any county, municipality, drainage district, or other political subdivision of the state~~, and all~~ and (2) all special assessments levied or hereafter levied by any sanitary and improvement district if such sale is requested by such sanitary and improvement district which levied the special assessment. All provisions of ~~said~~ the revenue law now in force with reference to the collection of taxes shall apply with equal force to all taxes and special assessments levied by ~~said~~ such county, municipality, drainage district, or other political subdivision of the state.

Sec. 2. Section 77-1901, Reissue Revised Statutes of Nebraska, is amended to read:

77-1901. Counties shall have a lien upon real estate within their boundaries for all taxes due thereon to the state, any governmental subdivision of the state, any municipal corporation, and any drainage or irrigation district. After any parcel of real estate has been offered for sale and not sold for want of bidders, the county board shall make and enter an order directing the county

attorney to foreclose the lien for all taxes then delinquent, excluding any lien on real estate for special assessments levied by any sanitary and improvement district which real estate has not been previously offered for sale by the county treasurer, in the same manner and with like effect as in the foreclosure of real estate mortgages, except as otherwise specifically provided by sections 77-1903 to 77-1917.

Sec. 3. Section 77-1902, Reissue Revised Statutes of Nebraska, is amended to read:

77-1902. When land has been sold for delinquent taxes and a tax sale certificate or tax deed has been issued, the holder of such tax sale certificate or tax deed may, instead of demanding a deed or, if a deed has been issued, by surrendering the same in court, proceed in the district court of the county in which the land is situated to foreclose the lien for taxes represented by the tax sale certificate or tax deed and all subsequent tax liens thereon, excluding any lien on real estate for special assessments levied by any sanitary and improvement district which real estate has not been previously offered for sale by the county treasurer, in the same manner and with like effect as in the foreclosure of a real estate mortgage, except as otherwise specifically provided by sections 77-1903 to 77-1917. Such action shall only be brought within six months after the expiration of three years from the date of sale of any real estate for taxes or special assessments.

Sec. 4. Original sections 77-1858, 77-1901, and 77-1902, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 267. Indefinitely postponed.
LEGISLATIVE BILL 272. Indefinitely postponed.
LEGISLATIVE BILL 364. Indefinitely postponed.
LEGISLATIVE BILL 630. Indefinitely postponed.
LEGISLATIVE BILL 945. Indefinitely postponed.
LEGISLATIVE BILL 1370. Indefinitely postponed.

LEGISLATIVE RESOLUTION 42CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Natural Resources

LEGISLATIVE BILL 1293. Placed on General File.
LEGISLATIVE BILL 1352. Placed on General File.

LEGISLATIVE BILL 1241. Placed on General File as amended.
Standing Committee amendment to LB 1241:
AM2989

1. Strike original section 3 and insert the following new section:

"Sec. 3. Person shall mean any: Individual;

partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.".

LEGISLATIVE BILL 1385. Placed on General File as amended.
Standing Committee amendment to LB 1385:
AM3065

1. Strike the original sections and insert the following new section:

"Section 1. The Legislature directs the Nebraska Natural Resources Commission to undertake a study of the state's natural resources districts and to make two reports to the Legislature which include, if appropriate, specific legislative recommendations for changes. The commission shall make its first report to the Legislature by September 1, 1997, which shall include the commission's analysis of natural resources district revenue base, board of director size, boundary changes, and consolidation of districts. The commission shall make its second report to the Legislature by September 1, 1998, which shall include its analysis of natural resources district cost effectiveness, program effectiveness, duplication of responsibilities and authorities, and other services or areas that could facilitate property tax relief. With respect to each report and regardless of whether the commission endorses the changes, the commission shall outline the five possible changes which, in its best judgment, represent the opportunities most likely to stabilize and enhance the natural resources district system through restructuring and cost efficiencies.".

LEGISLATIVE BILL 1224. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 927A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 927, Ninety-fourth Legislature, Second Session, 1996.

AMENDMENTS - Print in Journal

Mr. Pedersen filed the following amendment to LB 575:

AM3272

(Amendments to Standing Committee amendments, AM0895)

1. Strike amendment 1 and insert the following new amendments:

"1. Insert the following new sections:

'Sec. 2. The Legislature finds that:

(1) The exercise of zoning, planning, and other concomitant powers by a city of the metropolitan class in the area of extraterritorial jurisdiction described and authorized by state law necessarily affects property outside the corporate boundaries of the city and persons who are not inhabitants of or electors in the city;

(2) The protection of unrepresented persons and property affected by a statutorily created zoning and planning process is a matter of state concern; and

(3) The protection of such unrepresented persons and property would be facilitated by requiring that at least one person residing in the area of extraterritorial jurisdiction and appointed by an elected body of the area of extraterritorial jurisdiction serve as a member of the planning board of the city of the metropolitan class, if such board exists.

Sec. 3. (1) Notwithstanding any provision of a city charter to the contrary, the next vacancy that occurs on the city planning board on or after the effective date of this act shall be filled by the appointment of a person who resides in the area of extraterritorial jurisdiction as provided in subsection (2) of this section. At all times following the initial appointment of a planning board member who resides in the area of extraterritorial jurisdiction, one member of the planning board shall be so qualified and appointed.

(2) The city clerk shall formally notify the county clerk of the existence of the next vacant position that occurs on the planning board on or after the effective date of this act within ten days after the date of the vacancy. The county board, within thirty days after such notice, shall hold a meeting to consider nominations for appointment to the vacancy and shall appoint a person qualified under subsection (1) of this section to fill the vacancy. Prior to holding such meeting, the county board shall cause to be published a notice of the vacancy and the date of the meeting. The notice shall be published in a newspaper of general circulation in the county in which such planning board is located at least once in each of the two weeks immediately preceding the week of the meeting. A nominee for the vacancy shall be appointed by majority vote of the county board. The appointee shall become a member of the planning board when the city clerk receives certification from the county clerk of the name of the appointee.

(3) Following the initial appointment of the extraterritorial member to the planning board pursuant to this section, the city clerk shall inform the county clerk of any

vacancy occurring in the extraterritorial member's position within ten days after its occurrence or at least thirty days prior to the expiration of the extraterritorial member's term.

(4) Any person qualified and appointed under this section shall serve for terms equal to that of the planning board members who reside within the corporate boundaries of the city and shall become a member of the planning board with all rights, duties, responsibilities, and perquisites appertaining to the position by state law, city charter, or city ordinance.

(5) For purposes of this section:

(a) Area of extraterritorial jurisdiction means the area outside the corporate boundaries of a city of the metropolitan class, but within the largest area subject to such city's zoning, planning, and concomitant jurisdiction as described in sections 14-116, 14-418, and 14-419;

(b) City means a city of the metropolitan class;

(c) County board means the county board of a county in which a city of the metropolitan class is located;

(d) County clerk means the county clerk of a county in which a city of the metropolitan class is located; and

(e) Planning board means a planning board as organized pursuant to section 14-407.

Sec. 4. This act becomes operative on January 1, 1998.'.

2. On page 2, strike beginning with 'at' in line 10 through 'city' in line 12 and insert 'one member qualified and appointed as provided in section 3 of this act'.

3. Renumber the remaining section accordingly.".

Messrs. Wehrbein, Maurstad, Engel, Lynch, Brashear, Schrock, Mmes. Hillman, Crosby, and Brown filed the following amendment to LB 1044:

AM3307

1. In the Standing Committee amendment, AM2978, on page 2, line 2, strike "and"; and in line 3 after "(4)" insert "Insure that the Appropriations Committee of the Legislature is provided any information the committee requires to make funding determinations and budget recommendations to the Legislature, including, but not limited to, specific program budgets, internal budget requests, fiscal reports, and appearances by department, division, program, and subprogram directors before the committee to present department, division, program, and subprogram budget requests; and

(5)".

2. On page 12, line 13; page 17, line 27; and page 23, line 8, after "(10)" insert "To provide comprehensive information to the Legislature and the Appropriations Committee of the Legislature relating to funding requests for programs and subprograms;

(11)".

3. On page 12, line 15; page 18, line 1; and page 23, line 10, strike "(11)" and insert "(12)".

Mr. Dierks filed the following amendment to LB 1174:
AM3302

(Amendments to Standing Committee amendments, AM3174)

1. On page 1, line 11, after the semicolon insert "in line 19 strike 'Anyone' and insert 'Any such person';".

Messrs. Wesely and Withem filed the following amendment to LB 1044:
AM3346

1. In the Standing Committee amendments, AM2978:

a. Insert the following new sections:

"Sec. 53. Section 13-1207, Reissue Revised Statutes of Nebraska, is amended to read:

13-1207. Prior to the promulgation of rules and regulations pursuant to section 13-1212, and prior to the awarding of federal or state funds under any program administered by the department or any other state agency which affects the transportation of the elderly, such rules and regulations and the awarding of such funds shall be reviewed by the Director ~~on Aging~~ of Health and Human Services.

Sec. 117. Section 43-118, Reissue Revised Statutes of Nebraska, is amended to read:

43-118. All actions of the Department of ~~Social Services~~ Health and Human Services under the programs authorized by sections 43-117 to 43-117.02 shall be subject to the following criteria:

(1) The child so adopted shall have been a child for whom adoption would not have been possible without the financial aid provided for by sections 43-117 to 43-117.02; and

(2) The Director of ~~Social Services~~ Health and Human Services shall adopt and promulgate rules and regulations for the administration of sections 43-117 to 43-118.

Sec. 780. Section 71-7502, Revised Statutes Supplement, 1994, is amended to read:

71-7502. (1) The Legislature finds that Nebraska's health care needs and strengths vary in different areas of the state and that, while a statewide effort is needed to meet the health care needs of Nebraskans and to support a statewide infrastructure, Nebraska's communities, on both an individual and a collective basis, are in the best situation to address local needs. The purpose of the Community Health Care Act is to provide a mechanism on a state level to support the needs of communities to meet their health care needs.

(2) The Legislature finds that one purpose of the Community Health Care Act is to authorize a delivery mechanism to provide community public health services statewide. The act is not

intended to create an entitlement to any activities described in the act, and the Department of Health and Human Services may perform the activities described in the act to the extent funds are available. The act is not intended to displace local public health departments currently in existence or to discourage the establishment of new local public health departments but rather to provide community public health services to individuals who do not have access to services from a local public health department. The Legislature believes that all individuals should have access to basic community public health services.

Sec. 784. Section 71-7522, Revised Statutes Supplement, 1994, is amended to read:

71-7522. The purpose of the Community Health Care Act is to authorize a delivery mechanism to provide community public health services statewide. The act is not intended to create an entitlement to any activities described in the act, and the Department of Health and Human Services may perform the activities described in the act to the extent funds are available. The act is not intended to displace local public health departments currently in existence or to discourage the establishment of new local public health departments but rather to provide community public health services to individuals who do not have access to services from a local public health department. The Legislature believes that all individuals should have access to basic community public health services.";

b. On page 113, line 22, strike "Director of" and insert "Department of Health and Human Services";

c. On page 151, line 26, strike "Department of Social Services", show as stricken, and insert "department";

d. On page 204, line 8, strike "department" and insert "Department of Health and Human Services Regulation and Licensure";

e. On page 266, line 2, strike "and report" and show as stricken;

f. On page 284, lines 23 and 24, strike "Department" through "Licensure" and insert "department";

g. On page 326, line 16; and page 327, line 38, strike "department", show as stricken, and insert "Department of Health and Human Services";

h. On page 445, lines 35 and 36, strike "the Nebraska Orthopedic Hospital," and show as stricken;

i. On page 457, line 34, reinstate the stricken matter;

j. On page 463, line 50, after "Services" insert "Finance and Support"; and

k. On page 464, line 2, strike "by the" and show as stricken; and in lines 2 and 3, strike "Department of Health and Human Services".

2. On page 14, line 9; page 19, line 26; and page 25, line 6, strike "open" and insert "available".

3. Amend the operative date and repealer sections so

that sections 53, 117, 780, and 784 added by this amendment become operative on January 1, 1997.

4. Renumber the remaining sections accordingly.

Mr. Schrock filed the following amendment to LB 604:
AM3343

1. In the Standing Committee amendments, AM0323:

a. On page 2, line 15; and page 5, line 10, strike "preschool-age"; and

b. On page 2, line 17; and page 5, line 12, strike "when" through "age".

2. On page 3, line 5, strike "preschool-age"; and in lines 6 and 7 strike "when" through "age".

Mr. Kristensen filed the following amendment to LB 1038:
AM3322

1. Insert the following new section:

"Sec. 2. Section 77-5004, Revised Statutes Supplement, 1995, is amended to read:

77-5004. (1) Each commissioner shall be a qualified voter, taxpayer, and resident of the state.

(2) Each commissioner shall devote his or her full time and efforts to the discharge of his or her duties and shall not hold any other office under the laws of this state, any city or county in this state, or the United States Government while serving on the commission. Each commissioner shall possess:

(a) Appropriate knowledge of terms commonly used in or related to real property appraisal and of the writing of appraisal reports;

(b) Adequate knowledge of depreciation theories, cost estimating, methods of capitalization, and real property appraisal mathematics;

(c) An understanding of the principles of land economics, appraisal processes, and problems encountered in the gathering, interpreting, and evaluating of data involved in the valuation of real property, including complex industrial properties and mass-appraisal techniques;

(d) Knowledge of the law relating to taxation in Nebraska;

(e) Any certification or training required of Nebraska assessment officers; and

(f) Such other qualifications and skills as reasonably may be requisite for the effective and reliable performance of the commission's duties.

(3) The chairperson shall have been engaged in the practice of law in the State of Nebraska for at least five years, which may include prior service as a judge, and shall be currently admitted to practice before the Nebraska Supreme Court.

(4) No commissioner or employee of the commission shall

hold any position of profit or engage in any occupation or business interfering with or inconsistent with his or her duties as a commissioner or employee. A person is not eligible for appointment and may not hold the office of commissioner or be appointed by the commission to or hold any office or position under the commission if he or she holds any official office or position.

(5) During each year of his or her term, each commissioner shall attend a seminar or class of at least two days duration, sponsored by a recognized assessment or appraisal organization, in each of these areas: Utility and railroad appraisal; appraisal of complex industrial properties; and mass appraisal, residential or agricultural appraisal, or assessment administration.

(6) The commissioners shall be considered employees of the state for purposes of sections 81-1301 to 81-1391 and 84-1601 to 84-1615.".

2. On page 4, line 1, strike "section 77-5007" and insert "sections 77-5004 and 77-5007".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Public Employees Retirement Board
Robert R. Moran
Robert J. Corner
Julia M. Moeller

VOTE: Aye: Senators Wehrbein, Crosby, Robak, and Wickersham. Nay: None. Absent: Senators Lynch and Witek.

(Signed) Bob Wickersham, Chairperson

UNANIMOUS CONSENT - Members Excused

Messrs. Fisher and Hilgert asked unanimous consent to be excused. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 900.

A BILL FOR AN ACT relating to education; to amend sections 2-4722, 10-209, 13-903 to 13-907, 13-909, 13-912, 13-913, 13-915, 13-917, 13-918, 13-923 to 13-925, 29-2271, 29-2272, 30-3209, 43-2007, 43-2505, 43-2507.02, 43-2512, 48-233, 58-238, 58-319, 58-412, 71-1623, 73-106, 79-101 to 79-102.02, 79-105, 79-106, 79-201 to 79-202, 79-205 to 79-211, 79-213 to 79-216, 79-301, 79-304, 79-305, 79-307, 79-321, 79-321.01, 79-321.03, 79-322 to 79-333, 79-339, 79-342 to 79-345, 79-401, 79-402, 79-402.03 to 79-402.20, 79-403 to 79-403.03, 79-406 to 79-426.19, 79-426.22 to 79-426.28, 79-428 to 79-430, 79-432 to 79-435, 79-437.03, 79-438.12, 79-438.13, 79-439, 79-440, 79-441, 79-442.01 to 79-443.01, 79-444.01 to 79-444.05, 79-444.07, 79-445, 79-446, 79-449.01, 79-450 to 79-461, 79-466 to 79-467.01, 79-469, 79-470, 79-478 to 79-488.01, 79-488.03 to 79-492, 79-4,105.01, 79-4,106.01 to 79-4,107, 79-4,114, 79-4,117, 79-4,119 to 79-4,123, 79-4,125 to 79-4,127, 79-4,128.01, 79-4,128.02, 79-4,133 to 79-4,150, 79-4,152 to 79-4,159, 79-4,170 to 79-4,176, 79-4,177 to 79-4,179, 79-4,181 to 79-4,194, 79-4,197 to 79-4,205.02, 79-4,207, 79-4,221, 79-4,222, 79-4,224 to 79-4,247, 79-501 to 79-504, 79-505, 79-507 to 79-512, 79-516.01, 79-516.04, 79-516.06, 79-516.08, 79-519, 79-521, 79-530, 79-532 to 79-538, 79-541 to 79-545, 79-546.01, 79-547.02, 79-547.04, 79-550, 79-552, 79-601 to 79-604, 79-606 to 79-610, 79-701, 79-703.01, 79-801 to 79-802, 79-803.03, 79-803.05, 79-803.11, 79-805, 79-807, 79-809, 79-810.01, 79-901, 79-902.01, 79-904, 79-906 to 79-912, 79-1001 to 79-1003.02, 79-1003.04 to 79-1004.04, 79-1005 to 79-1007.05, 79-1033, 79-1035 to 79-1039, 79-1041, 79-1042, 79-1044, 79-1047 to 79-1049.05, 79-1050 to 79-1051.02, 79-1051.05, 79-1051.07, 79-1052, 79-1056.05, 79-1058, 79-1060 to 79-1070, 79-1101, 79-1103, 79-1103.05 to 79-1111, 79-1229, 79-1236, 79-1239, 79-1240, 79-1247.03, 79-1247.04, 79-1247.06 to 79-1247.11, 79-1247.13, 79-1247.16, 79-1248 to 79-1253, 79-1254.01 to 79-1254.03, 79-1254.05 to 79-1254.10, 79-1268, 79-1269, 79-1272 to 79-1286, 79-1297 to 79-12,121.03, 79-12,153, 79-1301 to 79-1313, 79-1315 to 79-1328, 79-1346, 79-1369, 79-1371 to 79-1374, 79-1384, 79-1385, 79-1415, 79-1416, 79-1418 to 79-1423, 79-1428, 79-1429, 79-1435.01 to 79-1435.03, 79-1446 to 79-1457, 79-1501, 79-1502, 79-1503.02, 79-1505, 79-1506, 79-1508 to 79-1509.03, 79-1510 to 79-1514.02, 79-1514.05, 79-1514.06, 79-1515 to 79-1522.02, 79-1523 to 79-1530, 79-1532 to 79-1538, 79-1540, 79-1542, 79-1544 to 79-1546, 79-1548 to 79-1553, 79-1556 to 79-1567, 79-1701, 79-1701.01, 79-1703 to 79-1707, 79-1901 to 79-1904, 79-1907, 79-1908, 79-1911, 79-1913 to 79-1915, 79-2001 to 79-2007, 79-2010 to 79-2012, 79-2101 to 79-2103, 79-2104, 79-2105, 79-2106.01, 79-2109 to 79-2114, 79-2201 to 79-2202, 79-2202.02 to 79-2203, 79-2203.02 to 79-2209, 79-2210.01 to 79-2210.04, 79-2212 to 79-2221, 79-2301 to 79-2315, 79-2317, 79-2501 to 79-2504, 79-2701 to 79-2703, 79-3001 to 79-3011, 79-3302 to 79-3318, 79-3320, 79-3321, 79-3323, 79-3324, 79-3326 to 79-3331, 79-3332.01, 79-3334, 79-3335, 79-3337 to 79-3362, 79-3364, 79-3365, 79-3367, 79-3369, 79-3370, 79-3401 to 79-3410, 79-3412 to 79-3417, 79-3501 to

79-3509.01, 79-3509.03, 79-3510, 79-3601 to 79-3606, 79-3701 to 79-3703, 79-3802, 79-3805, 79-3807, 79-3808, 79-3810, 79-3811, 79-3815, 79-3817, 79-3818, 79-3820 to 79-3822, 79-3824, 79-3901 to 79-3906, 79-3908 to 79-3910, 79-4001 to 79-4004, 83-382, 83-1225, 84-1301, 84-1408, 84-1410, 84-1412, 84-1414, 85-104, 85-308, 85-607, 85-917, 85-933, 85-949, and 85-1515, Reissue Revised Statutes of Nebraska, sections 13-501, 13-910, 32-312, 32-511, 32-515, 32-541 to 32-546, 32-567, 72-1237.01, 77-2341, and 77-2704.12, Revised Statutes Supplement, 1994, and sections 9-812, 13-508, 43-2513, 43-2620, 71-1910, 72-801, 77-3438, 77-3439, 79-340, 79-346, 79-347, 79-348, 79-349, 79-444, 79-444.06, 79-4,118, 79-4,169, 79-4,176.01, 79-4,179.01, 79-4,180, 79-4,195, 79-4,196, 79-4,248, 79-810, 79-903, 79-1032, 79-1034, 79-1040, 79-1043, 79-1044.01, 79-1045, 79-1046, 79-1046.01, 79-1049.06, 79-1056, 79-1056.06, 79-1233, 79-1247.05, 79-1345, 79-1501.01, 79-1503, 79-1503.01, 79-1514.10, 79-1514.11, 79-1522.04, 79-1522.05, 79-1531, 79-1910.01, 79-2009.01, 79-2103.01, 79-2106, 79-2107, 79-2108, 79-2210, 79-2225, 79-3301, 79-3322, 79-3325, 79-3332, 79-3333, 79-3333.01, 79-3363, 79-3366, 79-3368, 79-3371, 79-3509.02, 79-3801, 79-3803, 79-3804, 79-3806 to 79-3806.02, 79-3809, 79-3811.01 to 79-3814, 79-3816, 79-3819, 79-3823, 83-121, 84-304, 84-1503.01, 84-1511, 85-1517, and 90-511, Revised Statutes Supplement, 1995; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-445.01, 79-522, 79-703, 79-806, 79-905, 79-1112, 79-1916 to 79-1919, 79-2222 to 79-2224, 79-3319, and 79-3907, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Chambers	Janssen	Maurstad	Stuhr
Avery	Crosby	Jensen	Pirsch	Vrtiska
Bernard-Stevens	Cudaback	Jones	Preister	Warner
Beutler	Dierks	Klein	Robak	Wehrbein
Bohlke	Elmer	Kristensen	Robinson	Wesely
Brashear	Engel	Landis	Schellpeper	Wickersham
Brown	Hartnett	Lynch	Schmitt	Will
	Hillman	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 8:

Bromm	Hudkins	McKenzie	Schimek	Witek
Coordsen	Lindsay	Pedersen		

Excused and not voting, 2:

Fisher Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: LB 900.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 1391. Placed on General File as amended.
Standing Committee amendment to LB 1391:
AM3347

1. Insert the following new section:

"Sec. 3. There are hereby appropriated the following sums of money, or so much thereof as may be required, from the indicated fund in the state treasury, not otherwise appropriated, for the payment of workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court and which require the approval of the Legislature for payment.

DESCRIPTION	DOLLARS
Workers' Compensation Lump-Sum Settlement approved by the Nebraska Workers' Compensation Court, pay to Lyla Bennett and Rod Rehm, Attorney, 1327 H Street, Suite 202, P.O. Box 2067, Lincoln, NE 68502-2067, out of the Workers' Compensation Claims Revolving Fund	90,000.00

The claim in this section shall be paid through Program 593 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

Revolving Fund	90,000.00
Total	90,000.00".

2. On page 2, after line 8 insert

"Claim No. 95-259, against the Department of Administrative Services, pay to Kathryn Hansen, c/o John Boehm, Attorney, 811 South 13th, Lincoln, NE 68508, out of the General Fund ..... 785.98"

after line 17 insert

"Claim No. 96-119, against the Department of Social Services,
pay to Andrew W. Benson,
913 Belgrade Lane, Plattsmouth, NE 68048,
out of the general fund ..... 2,972.29"
and in lines 27 and 28 strike "126,599.37" and insert "130,357.64".
3. On page 3, line 5, strike "district court" and insert "Court of Appeals".
4. Renumber the remaining sections accordingly.

(Signed) Chris Abboud, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1044A. Introduced by Wesely, 26; Withem, 14.

A BILL FOR AN ACT relating to appropriations; to amend section 90-512, Revised Statutes Supplement, 1995; Laws 1995, LB 68A, section 1; Laws 1995, LB 83A, section 1; Laws 1995, LB 325A, sections 48, 49, 63, 64, 65, 66, 67, 68, 101, and 142; Laws 1995, LB 389A, sections 55, 56, 57, 69, 70, 71, 72, 73, 74, 75, 106, and 144; Laws 1995, LB 392, sections 77, 78, 79, 80, 81, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 146, 211, 212, 249, 251, 252, 253, and 254; Laws 1995, LB 406A, sections 1, 2, and 3; Laws 1995, LB 455A, sections 2, 3, 4, and 5; Laws 1995, LB 524A, section 1; Laws 1995, LB 563A, section 1; and Laws 1995, LB 712A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; to provide an operative date; and to repeal the original sections.

AMENDMENT - Print in Journal

Mr. Warner filed the following amendment to LB 1039:
AM3353
1. Insert the following new section:
"Section 1. Section 77-3504, Revised Statutes Supplement, 1995, is amended to read:
77-3504. Household income ~~shall mean~~ means the total federal adjusted gross income, as defined in the Internal Revenue Code, plus (1) any Nebraska adjustments increasing the total federal adjusted gross income, (2) any interest or dividends received by the owner regarding obligations of the State of Nebraska or any political subdivision, authority, commission, or instrumentality thereof to the extent excluded in the computation of gross income for federal income tax purposes, and (3) any social security or railroad retirement benefit to the extent excluded in

the computation of gross income for federal income tax purposes, of the claimant and spouse, and any additional owners who are natural persons and who occupy the homestead, for the taxable year of the claimant immediately prior to the year for which the claim for exemption is made, less all medical expenses actually paid by the claimant, his or her spouse, or a person who occupies the homestead which are in excess of four percent of household income calculated prior to the deduction for medical expenses. For purposes of this section, medical expenses means the costs of health insurance premiums and the costs of goods and services purchased from a person licensed under Chapter 71, article 1 or 47, for purposes of restoring or maintaining health, including insulin and prescription medicine but not including proprietary medicine.".

2. On page 4, line 7, strike "section" and insert "sections 77-3504 and".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 1384. Placed on General File as amended.
Standing Committee amendment to LB 1384:
AM3312

1. Strike the original sections and insert the following new sections:

"Section 1. Section 2-2428, Reissue Revised Statutes of Nebraska, is amended to read:

2-2428. (1) Prior to January 1, 1997, weather ~~Weather~~ control districts may be formed in the manner, and having the power, provided in ~~sections 2-2428 to 2-2449~~ the Weather Control Act of Nebraska.

(2) On or after January 1, 1997, no new weather control districts shall be organized under the Weather Control Act of Nebraska. Attempted formations of weather control districts under the Weather Control Act of Nebraska which have not been completed before January 1, 1997, shall be null, void, and of no effect for the purpose of organizing such district. All weather control districts having valid corporate existence before January 1, 1997, shall enjoy all rights, duties, powers, and authorities conferred by the Weather Control Act of Nebraska and shall not be affected by this section, nor shall the legality of formation, organization, or operation of any such district be subject to any legal action based on this section.

Sec. 2. Each board of supervisors for a drainage district organized under sections 31-301 to 31-377 shall submit a report to any natural resources district in which such drainage district is located prior to January 1, 1997, which shall include the name and address of the district, the articles of incorporation of the district, the names and addresses of the district's officers

and board members, and the method of taxation used by the district. Additionally each natural resources district shall attempt to determine the existence of such drainage districts located within the natural resources district. When determining the existence of such drainage districts, the natural resources district shall consult with county treasurers within its district. Prior to April 1, 1997, each natural resources district shall submit a report to the Clerk of the Legislature and the Natural Resources Committee of the Legislature regarding the existence of such drainage districts which shall include any information obtained from such drainage district as well as any other information gathered by the natural resources district.

Sec. 3. Each board of directors for a drainage district organized under sections 31-401 to 31-450 shall submit a report to any natural resources district in which such drainage district is located prior to January 1, 1997, which shall include the name and address of the district, the articles of incorporation of the district, the names and addresses of the district's officers and board members, and the method of taxation used by the district. Additionally each natural resources district shall attempt to determine the existence of such drainage districts located within the natural resources district. When determining the existence of such drainage districts, the natural resources district shall consult with county treasurers within its district. Prior to April 1, 1997, each natural resources district shall submit a report to the Clerk of the Legislature and the Natural Resources Committee of the Legislature regarding the existence of such drainage districts which shall include any information obtained from such drainage district as well as any other information gathered by the natural resources district.

Sec. 4. Section 31-409.03, Reissue Revised Statutes of Nebraska, is amended to read:

31-409.03. (1) The board of directors may divide the district into two or more voting precincts for the purpose of electing directors of the district. The precincts shall be established to include, as nearly as possible, ~~equal acreage if the district levies taxes based on valuation or~~ equal units of benefit. ~~if the district taxes on the basis of apportionment of benefits.~~ Upon completion of the division the board shall prepare a subdivision plat and file the plat with the county clerk of each county containing affected land. The board shall provide for the phasing in of precinct voting for all elections subsequent to the decision to subdivide the district beginning with the first such election. After the board has divided the district pursuant to this subsection, the board shall not divide the district again or change the divisions until precinct voting is completely phased in and an election has been held for the directors to be elected in each precinct.

(2) When a district has been divided into two or more

voting precincts, an equal number of directors shall be elected in each precinct and the remaining directors, if any, shall be elected at large. Each director elected by precinct shall own land assessed for benefits in the precinct from which he or she is elected. Precinct elections shall be held at a location within the precinct designated by the board or as provided in section 31-409.01.

Sec. 5. Section 31-410.01, Reissue Revised Statutes of Nebraska, is amended to read:

31-410.01. The board of directors, having first, with the aid of such engineer, surveyor, and other assistants as it may have chosen, made detailed plans of the public works to be done in accordance with section 31-401, shall cause a notice to be inserted at least once in a newspaper of general circulation in the district stating the time and place where the directors shall meet for the purpose of conducting a public hearing on the proposed public works and the method of financing such works. All parties interested in the proposed public works may appear at such public hearing in person or by counsel or may file written objections thereto. The directors shall then proceed to hear and consider the same and determine whether to adopt the public works in accordance with the detailed plans presented at such hearing and whether to finance such works by benefits accruing to the several tracts of land within the district. ~~or by a tax levy upon the taxable value of the taxable property in the district.~~ The hearing may be continued from time to time upon notice given by publication at least once in a newspaper of general circulation in the district stating the time and place of such continuance.

Sec. 6. Section 31-414, Reissue Revised Statutes of Nebraska, is amended to read:

31-414. The apportionment, when finally adjusted, shall continue as the basis of all levies of special assessments to pay all expenditures for organization, construction, improvement, enlargement, extension, damages, costs, maintenance, bonds and interest thereon, and all other expenses, except ~~; PROVIDED,~~ if (1) there is such a change of plans or enlargement or extension of the work of the district, or (2) some of the tracts of land within the district are increased in value since the time of the original apportionment of benefits by the addition of improvements or otherwise, such as in either case to make a different apportionment necessary or desirable, then the board of directors as to the future expenditures shall make a new apportionment of benefits, in which event all the procedure prescribed in sections 31-411 to 31-412 for the original apportionment shall apply. ~~, or (3) the board of directors elects to use the tax levy method of financing, all expenditures for organization, construction, improvement, enlargement, extension, damages, costs, maintenance, bonds and interest thereon, and all other expenses shall be paid out of such levies.~~

Sec. 7. Section 31-447, Reissue Revised Statutes of Nebraska, is amended to read:

31-447. All special assessments provided for under sections 31-401 to 31-450 shall, as between vendor and purchaser, be a lien upon the real property involved from and upon the filing with the county clerk of the lists of the tracts. ~~, with the amount of money chargeable to each, as provided for in section 31-424, or if the board of directors has elected the tax levy method of financing, all special assessments provided for under sections 31-401 to 31-450 shall, as between vendor and purchaser, be a lien upon the real property involved from and upon the filing with the county clerk of the property tax rolls and the taxable value of the taxable personal property of each taxpayer as provided for in section 31-411.02.~~

Sec. 8. Section 31-450, Reissue Revised Statutes of Nebraska, is amended to read:

31-450. In all districts hereafter organized, the board of directors, having first adopted detailed plans and specifications of the work proposed to be done, having made an estimate of the total cost of such contemplated improvement, and having filed such plans, specifications, and estimated cost with the clerk of the county having the largest area of land, shall then publish a notice once each week for three consecutive weeks in a newspaper in each county of an election to vote on the question of proceeding with such work and incurring the necessary liability in all cases in which the estimate of the contemplated work equals seven percent of the taxable value of the lands assessed for such improvement. The election shall be held in all respects as other elections provided for in sections 31-401 to 31-450. If a majority of the votes cast at such election are in favor of proceeding with the work and incurring the necessary liability, then the board, in proceeding therein, shall not incur indebtedness in a total sum in excess of the estimated cost so filed and published. No changes in such plans and specifications shall be made thereafter by the board which cost in the aggregate more than fifteen percent above such estimated cost. If a majority of the votes at such election vote against proceeding and incurring the liability, then the board shall abandon the work and shall thereupon certify to the county clerks ~~a tax levy~~ an assessment on all the tracts in the district by apportionment of benefits ~~valuation~~ sufficient to pay all the liabilities of the district, and the levy shall be entered and collected as other general taxes and used to pay the liabilities.

Sec. 9. Sections 4 to 8, 11, and 12 of this act become operative on January 1, 2000. The other sections of this act become operative on their effective date.

Sec. 10. Original section 2-2428, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 11. Original sections 31-409.03, 31-410.01, 31-414, 31-447, and 31-450, Reissue Revised Statutes of Nebraska, are

repealed.

Sec. 12. The following sections are outright repealed: Sections 31-411.02, 31-424, and 31-424.01, Reissue Revised Statutes of Nebraska.".

(Signed) Chris Beutler, Chairperson

AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 1050:
AM3356

(Amendments to E & R amendments, AM7210)

1. Insert the following new sections:

"Sec. 34. (1) The Legislature finds and declares that:

(a) The Tax Equity and Educational Opportunities Support Act is based on the premise that funds available to school districts should not be solely based on a district's local property tax base; and

(b) School districts' ability to retire bonded indebtedness for purposes of capital construction of school facilities is virtually entirely based on their individual local property tax base.

(2) It is the intent, purpose, and goal of the Legislature to create a system of financing the retirement of bonded indebtedness of school districts which will:

(a) Increase the equalization of financial support for bonded debt retirement by provision of state assistance taking into consideration the needs and accessible resources of school districts relative to debt retirement;

(b) Reduce the reliance on property tax for the retirement of school district bonded indebtedness; and

(c) Minimize the adverse effect on the general fund state aid equalization process embodied in the Tax Equity and Educational Opportunities Support Act.

Sec. 35. For purposes of sections 34 to 39 of this act:

(1) Adjusted valuation has the meaning found in section 79-3803;

(2) Average daily membership has the meaning found in section 79-3803;

(3) Data year means the school fiscal year immediately preceding the year in which the school bond state aid is to be paid;

(4) Department means the State Department of Education;

(5) Eligible school district means any public school district but does not include any Class II, III, IV, V, or VI school district in which a high school has fewer than fifty students enrolled in grades nine through twelve and which is within fifteen miles of another public high school;

(6) Scheduled debt retirement payments means the amount

required to be paid, by fiscal year, in principal and in interest for the retirement of school district bonded indebtedness incurred pursuant to Chapter 10; and

(7) School bond state aid shall mean the amount of assistance paid to a district pursuant to sections 34 to 39 of this act.

Sec. 36. Beginning in school fiscal year 1997-98, a portion of the funds appropriated for distribution as allocated income tax funds shall be used to support the public school system by assisting qualifying school districts in the retirement of new or existing bonded indebtedness incurred pursuant to Chapter 10. The total amount provided as school bond state aid in any fiscal year shall not exceed ten percent of the total appropriation of funds appropriated for distribution as allocated income tax funds for that fiscal year.

Sec. 37. Beginning in 1997, no later than June 1 of each year eligible school districts may submit an application for assistance under sections 34 to 39 of this act to the department. Such application shall include the scheduled debt retirement payments for which the district is seeking assistance, as well as any other information the department requires to administer such sections. School districts not submitting an application prior to such date shall not be eligible for assistance pursuant to such sections for the ensuing fiscal year.

Sec. 38. Using the data provided by eligible school districts pursuant to section 37 of this act, the department shall calculate each district's school bond state aid pursuant to sections 34 to 39 of this act and shall certify the ensuing fiscal year's assistance to each eligible school district no later than July 1. Such amounts shall be distributed in a single payment on the last business day of September of each year. Such certified school bond state aid amount shall be shown as budgeted non-property-tax receipts and deducted prior to calculating the property tax request in the district's debt retirement fund budget statement as provided to the Auditor of Public Accounts pursuant to Chapter 13 and section 79-3815.

Sec. 39. (1) The department shall calculate each eligible school district's adjusted valuation per student by dividing the district's adjusted valuation from the data year by the district's average daily membership from the data year.

(2) The department shall calculate the state average adjusted valuation per student by dividing the unduplicated statewide total adjusted valuation in the data year by the statewide total average daily membership in the data year.

(3) The department shall calculate an assistance factor for each eligible school district by comparing that district's adjusted valuation per student to the statewide average adjusted valuation per student. A linear transition shall be used such that (a) any school district with adjusted valuation per student of

one-half the state average adjusted valuation per student or less shall be assigned a factor of forty percent, (b) any school district with adjusted valuation per student equal to the statewide average adjusted valuation per student shall be assigned a factor of twenty percent, and (c) a school district with adjusted valuation per student of two times the state average adjusted valuation per student or more shall be assigned a factor of zero percent.

(4) The department shall multiply each eligible district's assistance factor calculated pursuant to subsection (3) of this section by the district's scheduled debt retirement payments for the ensuing fiscal year to arrive at each district's preliminary school bond state aid amount.

(5) If the total preliminary school bond state aid calculated pursuant to subsection (4) of this section exceeds ten percent of the total appropriation of funds appropriated for distribution as allocated income tax funds for the ensuing year, the department shall prorate each eligible district's school bond state aid by multiplying each district's preliminary school bond state aid by the same prorate factor.".

2. On page 22, line 11, after "act" insert "and as school bond state aid as determined under sections 34 to 39 of this act"; and in line 20 strike "and".

3. On page 24, line 14, after "district" insert "; and

(4) For calculations beginning with school year 1997-98, the department shall reduce the allocated income tax funds calculated for each district pursuant to this section proportionately such that the total amount paid as allocated income tax funds for the school year does not exceed the total amount appropriated for distribution as allocated income tax funds less the amount calculated as school bond state aid pursuant to sections 34 to 39 of this act.".

4. On page 71, line 4, strike "37" and insert "43".

5. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1188. Placed on General File as amended.
Standing Committee amendment to LB 1188:
AM3278

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Nonprofit Hospital Sale Act.

Sec. 2. For purposes of the Nonprofit Hospital Sale Act:

(1) Department means the Department of Health;

(2) Hospital has the definition found in subdivision (3)

of section 71-2017.01;

(3) Acquisition means any acquisition by a person or persons of an ownership or controlling interest in a hospital, whether by purchase, merger, lease, gift, or otherwise, which results in a change of ownership or control of twenty percent or greater or which results in the acquiring person or persons holding a fifty percent or greater interest in the ownership or control of a hospital, but acquisition does not include the transfer of ownership or controlling interest in a hospital from a nonprofit corporation to another nonprofit corporation if the transferee (a) is a corporation having a substantially similar charitable health care purpose as the transferor or is a governmental entity, (b) is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or is a governmental entity, and (c) will maintain representation from the affected community on the local board; and

(4) Person has the meaning found in section 71-5822.

Sec. 3. No person shall engage in the acquisition of a hospital owned by a nonprofit corporation without first having applied for and received the approval of the department and the Attorney General pursuant to the Nonprofit Hospital Sale Act. No person shall engage in the acquisition of a hospital not owned by a nonprofit corporation without first having applied for and received the approval of the department pursuant to the act unless such acquiring person is a nonprofit corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or is a governmental entity. For purposes of the act, approval of the department and the Attorney General shall not be required for the acquisition of a hospital not owned by a nonprofit corporation as follows: (a) The lease of a county hospital approved under section 23-3504; or (b) the dissolution of a hospital district approved under sections 23-3544 to 23-3546 or the merger of hospital districts approved under sections 23-3573 to 23-3578.

Any person not required to obtain the approval of the department or the Attorney General under the provisions of the Nonprofit Hospital Sale Act shall give the Attorney General at least thirty days' notice of an impending acquisition, during which time the Attorney General may take any necessary and appropriate action consistent with his or her general duties of oversight with regard to the conduct of charities. The notice shall briefly describe the impending acquisition, including any change in ownership of tangible or intangible assets.

The application shall be submitted to the department and the Attorney General on forms provided by the department and shall include the name of the seller, the name of the purchaser or other parties to an acquisition, the terms of the proposed agreement, the sale price, a copy of the sale or acquisition agreement, a financial and economic analysis and report from an independent expert or consultant of the effect of the sale or acquisition under

the criteria set forth in section 7 of this act, and all other related documents. A copy of the application and copies of all additional related materials shall be submitted to the department and to the Attorney General at the same time. The applications and all related documents shall be considered public records for purposes of sections 84-712 to 84-712.09.

Sec. 4. (1) Within five working days after receipt of an application under section 3 of this act, the department shall publish notice of the application in a newspaper of general circulation in the county or counties where the hospital is located and shall notify by first-class United States mail any person who has requested notice of the filing of such applications. The notice shall state that an application has been received, state the names of the parties to the agreement, describe the contents of the application, and state the date by which a person may submit written comments about the application to the department.

(2) The department and the Attorney General shall, within fifteen days after the date an application is received, determine if the application is complete for the purposes of review. The department or the Attorney General may find that an application is incomplete when a question on the application form has not been answered in whole or in part or has been answered in a manner that does not fairly meet the question addressed or when the application does not include attachments of supporting documents as required by section 3 of this act. If the department or the Attorney General determines that an application is incomplete, it shall notify the applicant within fifteen days after the date the application was received, stating the reasons for its determination of incompleteness with reference to the particular questions for which a deficiency is noted.

(3) Within sixty days after receiving a completed application, the department and the Attorney General shall review the application in accordance with the standards set forth in the Nonprofit Hospital Sale Act and approve or disapprove the sale or acquisition pursuant to the act.

(4) For acquisitions which require approval from the department under the Nonprofit Hospital Sale Act and a certificate of need under the Nebraska Health Care Certificate of Need Act, the applicant shall submit a single application for both purposes and such application shall be reviewed under a single unified review process by the department. Following the single unified review process, the department shall issue (a) its decision for purposes of the Nebraska Health Care Certificate of Need Act and (b) its decision for purposes of the Nonprofit Hospital Sale Act.

Sec. 5. The department or the Attorney General shall during the course of its review under section 4 of this act hold a public hearing in which any person may intervene if the person seeking to intervene can show an interest in the matter distinct from that of the general public. The department and the Attorney

General may adopt and promulgate rules and regulations for such intervention. The department or the Attorney General may subpoena additional information or witnesses, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures for purposes of the hearing and at any time prior to making a decision on the application.

The hearing shall be held not later than thirty days after receipt of a completed application. The hearing shall be held upon ten working days' notice, not including days the application is deemed to be incomplete.

Sec. 6. (1) The Attorney General shall review the completed application in accordance with the standards enumerated in section 7 of this act. Within sixty days after receipt of a completed application, the Attorney General shall:

(a) Approve the acquisition, with or without specific modifications; or

(b) Disapprove the acquisition.

The Attorney General shall not make his or her decision subject to any condition not directly related to criteria enumerated in section 7 of this act, and any condition or modification shall bear a direct and rational relationship to the application under review.

If the Attorney General does not act within ninety days, the application shall be deemed approved.

(2) The department shall review the completed application in accordance with the standards enumerated in section 8 of this act. Within sixty days after receipt of a completed application, the department shall:

(a) Approve the acquisition, with or without any specific modifications; or

(b) Disapprove the acquisition.

The department shall not make its decision subject to any condition not directly related to criteria enumerated in section 8 of this act, and any condition or modification shall bear a direct and rational relationship to the application under review.

(3) The applicant or any intervenor may seek judicial review of the decision of the department or the decision of the Attorney General, pursuant to sections 84-917 to 84-919.

Sec. 7. In making a decision to approve or disapprove an application under the Nonprofit Hospital Sale Act, the Attorney General shall consider:

(1) Whether the sale or acquisition are permitted under the Nebraska Nonprofit Corporation Act and other laws of Nebraska governing nonprofit entities, trusts, or charities;

(2) Whether due care was exercised by the nonprofit hospital in deciding to sell, selecting the buyer, and negotiating the sale;

(3) The procedures used by the seller in making its decision, including whether appropriate expert assistance was used;

(4) Whether conflict of interest was avoided, including, but not limited to, conflicts of interest related to board members of, key executives of, legal counsel for, and experts retained by the seller, purchaser, or parties to the acquisition;

(5) Whether the seller will receive fair value for its assets. The Attorney General may employ, at the seller's expense, any necessary expert assistants in making this determination if the application has incompletely addressed the standards enumerated in subdivision (2) or (3) of this section;

(6) Whether charitable funds are placed at risk, if the acquisition is financed in part by the seller;

(7) Whether the seller retained a realistic option to sell any remaining interests to the purchaser for a fair price;

(8) Whether any management contract under the acquisition is for fair value;

(9) Whether the sale proceeds will be used for appropriate charitable purposes consistent with the seller's original purpose or for the support and promotion of health care in the affected community and whether the proceeds will be controlled as charitable funds independently of the purchaser or parties to the acquisition;

(10) Whether any charitable corporation established to hold the proceeds of the sale will be broadly based in the community and be a representative of the affected community, including the structure and governance of such corporation; and

(11) Whether a right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation if the hospital is subsequently sold to, acquired by, or merged with another entity has been retained.

Sec. 8. In making a decision whether to approve or disapprove an application, the department shall consider:

(1) Whether sufficient safeguards are included to assure the affected community continued access to affordable care;

(2) Whether the purchaser and parties to the acquisition have made a commitment to provide health care to the disadvantaged, the uninsured, and the underinsured and to provide benefits to the affected community to promote improved health care. Activities and funding provided by the seller or its successor nonprofit corporation or foundation to provide such health care may be considered in evaluating compliance with this commitment; and

(3) If health care providers will be offered the opportunity to invest or own an interest in the purchaser or a related entity to the purchaser, whether procedures or safeguards are in place to avoid conflict of interest in patient referral and the nature of such procedures or safeguards.

Sec. 9. The department shall require periodic reports from the seller or its successor nonprofit corporation or foundation and from the purchaser or other parties to the acquisition to ensure compliance with commitments made. The

department may subpoena information and documents and may conduct onsite compliance audits at the purchaser's expense.

If the department receives information indicating that the purchaser or parties to the acquisition are not fulfilling the commitment to the affected community under section 8 of this act, the department shall hold a hearing upon ten days' notice to the affected parties. If after such hearing the department determines that the information is true, it may institute proceedings to revoke the license issued to the purchaser under section 6 of this act.

Sec. 10. In the event of the acquisition of a hospital without first having received the approval of the department and the approval of the Attorney General under the Nonprofit Hospital Sale Act, or in the event that the hospital is not fulfilling its commitment under section 8 of this act or is not following procedures of safeguards committed to under subdivision (3) of such section, no license to operate the hospital may be issued or reviewed by the department pursuant to Chapter 71, article 20, or any other state statute, and a license which has been issued shall be subject to revocation or suspension. Nothing in this section limits the rights to a hearing under section 71-2023 or the right of appeal for a hospital from such decision as provided in Chapter 71, article 20.

Sec. 11. Any acquisition of a hospital before the effective date of this act and any sale or acquisition in which an application for a certificate of need under the Nebraska Health Care Certificate of Need Act has been granted by the department before the effective date of this act is not subject to the Nonprofit Hospital Sale Act.

Sec. 12. No provision of the Nonprofit Hospital Sale Act shall derogate from the common law or statutory authority of the Attorney General.

Sec. 13. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 256A, 414, and 414A.

Enrollment and Review Change to LB 414

The following changes, required to be reported for publication in the Journal, have been made:
ER9113

1. The following new sections have been inserted:

"Sec. 45. Section 71-1731, Revised Statutes Supplement, 1994, is amended to read:

71-1731. The department, with the prior approval of the ~~boards~~ Board of Nursing and Board of Examiners in Medicine and Surgery, may grant a temporary certification in the practice of anesthesia for a period of not to exceed one year and under such conditions as the ~~boards~~ Board of Nursing and Board of Examiners in Medicine and Surgery with the approval of the department determine for graduates of an accredited school of nurse anesthesia. The permit may be issued upon application by the graduate for the first certifying examination following his or her graduation and shall be valid pending the results of such examination. Temporary certification may also be granted for a period not to exceed one year to registered nurse anesthetists currently licensed in another state pending completion of the application for Nebraska certification. A temporary permit issued pursuant to this section may be extended at the discretion of the ~~boards~~ Board of Nursing and Board of Examiners in Medicine and Surgery with the approval of the department.

Sec. 47. Section 71-1736, Reissue Revised Statutes of Nebraska, is amended to read:

71-1736. (1) The ~~boards~~ Board of Nursing and Board of Examiners in Medicine and Surgery shall appoint three certified registered nurse anesthetists which may be from a list furnished by the Nebraska Association of Nurse Anesthetists to an advisory council. The first appointments shall be one certified registered nurse anesthetist for a one-year term, one certified registered nurse anesthetist for a two-year term, and one certified registered nurse anesthetist for a three-year term. Thereafter, one certified registered nurse anesthetist shall be appointed each year for a three-year term. The ~~boards~~ Board of Nursing and Board of Examiners in Medicine and Surgery shall also appoint one nonvoting board-certified anesthesiologist each two years for a term of two years, which appointment may be from a list of names submitted by the Nebraska Society of Anesthesiologists.

(2) The advisory council shall:

(a) Act as consultant in matters pertaining to nurse anesthesia education and the scope of nurse anesthesia practice;

(b) Function as a resource in matters pertaining to grievances or arbitration;

(c) Act as a resource body in matters pertaining to disciplinary action; and

(d) Review certification requirements.

Sec. 48. Section 71-1737, Reissue Revised Statutes of Nebraska, is amended to read:

71-1737. Notwithstanding the provisions of any other statute, any person, corporation, association, or other entity who engages in any of the following activities shall be guilty of a Class IV felony:

(1) Engaging in the practice of anesthesia as a certified registered nurse anesthetist without being issued a certificate as such by the

department, with the approval of the ~~board~~ Board of Nursing and the ~~board of examiners~~ Board of Examiners in Medicine and Surgery;

(2) Knowingly employing or offering to employ any person as a certified registered nurse anesthetist when knowing that such person is not certified as such by the Department of Health, with the approval of the board and the board of examiners;

(3) Fraudulently seeking, obtaining, or furnishing a certificate as a certified registered nurse anesthetist, or aiding and abetting such activities; or

(4) Using in connection with his or her name the title certified registered nurse anesthetist, the abbreviation C.R.N.A., or any other designation tending to imply that he or she is a certified registered nurse anesthetist, certified by the department with the approval of the board and the board of examiners pursuant to sections 71-1729 to 71-1737, when such person is not actually a certified registered nurse anesthetist.".

2. In the Withem amendment, AM2990:

a. On page 5, line 9 has been struck and "Sec. 50. Sections 27, 50, and 53 of this act become operative on their" inserted; and in line 11 "the" has been inserted after "after"; and

b. On page 7, line 5, "71-2727," has been struck and "71-1727," inserted.

3. In the Withem amendment, AM2914:

a. On page 1, line 17, "who" has been struck and "who" has been inserted after "(a)"; and

b. On page 3, line 1, the first comma has been struck.

4. In the Withem amendment, AM2762:

a. On page 9, line 16, "Practitioners" has been struck and "Practitioner" inserted;

b. On page 32, line 16, "effective date of this act" has been struck and "operative date of this section" inserted;

c. On page 33, line 12, "(2)" has been struck and "(1)" inserted; and

d. On page 41, line 24, "and" has been struck and "71-1736, and 71-1737," has been inserted after the last comma; and in line 26 "and" has been struck and "and 71-1731," has been inserted after the last comma.

5. In the E & R amendment, AM7170:

a. On page 16, line 15, "71-1708, 71-1709.01," has been inserted after "71-1707,"; in line 16 "71-1721.02," has been struck and "and" has been struck; in line 17 "71-1736, and 71-1737," has been inserted after the first comma; in line 19 the first "and" has been struck and "and 71-1731," has been inserted after the first comma; in line 20 "71-1,132.07," has been inserted after the second comma; in line 21 "71-1727," has been inserted after the first comma; in line 25 "to change drug dispensing provisions; to provide and change fees;" has been inserted after the semicolon; in line 27 "to provide operative dates;" has been inserted after the first semicolon and "and" has been struck; and

b. On page 17, line 1, "71-1709," has been inserted after "sections" and the third comma has been struck and "to" inserted; and in line 4 "; and to declare an emergency" has been inserted after "1994".

6. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 414A

The following changes, required to be reported for publication in the Journal, have been made:
ER9117

1. In the Withem amendment, AM3242, on page 1, lines 3 and 9, "1995" has been struck and "1996" inserted.

2. On page 1, line 3, "; and to provide for transfers of funds" has been inserted before the period.

(Signed) David I. Maurstad, Chairperson

AMENDMENT - Print in Journal

Mr. Matzke filed the following amendment to LB 1108:
(Amendment on file in the Clerk's Office - Room 2018 - AM3361.)

VISITORS

Visitors to the Chamber were Andy Schuerman from Wilber-Clatonia High School; Chelsy Harris from Ainsworth High School; Larry Gaeth from Fremont; and League of Women Voters of Nebraska.

The Doctor of the Day was Lisa Rauner from Lincoln.

ADJOURNMENT

At 5:03 p.m., on a motion by Mrs. Bohlke, the Legislature adjourned until 8:30 a.m., Wednesday, February 28, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-FIFTH DAY - FEBRUARY 28, 1996

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY - FEBRUARY 28, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 28, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Steve Fix, Associate Director, Compass Ministries, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Chambers, Hilgert, Kristensen, Lindsay, Lynch, Robinson, Schellpeper, Wehrbein, Will, Withem, Mmes. Bohlke, McKenzie, Robak, Stuhr, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fourth day was approved.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 954. Placed on General File as amended.
Standing Committee amendment to LB 954:
AM3324

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Hospice Licensure Act.

Sec. 2. For purposes of the Hospice Licensure Act:

(1) Bereavement services means services provided under the supervision of a qualified professional including a plan of care for bereavement services that reflects family needs and a

clear delineation of services to be provided for not less than one year following the death of the hospice patient;

(2) Hospice means a coordinated program under the direction of an identifiable hospice administration which (a) provides home care and inpatient care, (b) provides palliative care, supportive medical care, and any other care to meet the needs of terminally ill patients and their families, (c) uses a medically directed hospice interdisciplinary team including services provided by trained volunteers, (d) provides care to meet physical, psychosocial, spiritual, and other special needs which are experienced during the final stages of illness and during dying and bereavement, (e) makes hospice care available twenty-four hours per day, seven days per week, and (f) has met the guidelines of subparts A, C, D, and E (excluding paragraph (d) of section 418.56 of subpart C) of 42 C.F.R. part 418, as part 418 existed on October 1, 1992;

(3) Hospice inpatient facility means a facility in which the hospice provides inpatient care directly for respite and general inpatient care in compliance with 42 C.F.R. 418.100;

(4) Hospice interdisciplinary team means the attending physician, hospice medical director, licensed professional registered nurse, certified social worker, pastoral or other counselor, and, as determined by the interdisciplinary plan of care, providers of special services, such as mental health services, pharmacy services, home health aides, trained volunteers, dietary services, and any other appropriate health services, to meet the physical, psychosocial, spiritual, and economic needs which are experienced during the final stages of illness, dying, and bereavement;

(5) Hospice patient means a patient who is diagnosed as terminally ill with a medical prognosis that his or her life expectancy is six months or less if the illness runs its normal course and who with informed consent is admitted into a hospice program;

(6) Hospice volunteer means an individual specifically trained and supervised to provide support and supportive services to the hospice patient and hospice patient's family and under the supervision of a designated hospice volunteer coordinator; and

(7) Palliative care means treatment directed at controlling pain, relieving other physical and emotional symptoms, and focusing on the special needs of the hospice patient and hospice patient's family as they experience the dying process rather than treatment aimed at cure or prolongation of life.

Sec. 3. No agency, organization, or individual shall hold himself, herself, or itself out as a hospice or as providing hospice services unless licensed in accordance with the Hospice Licensure Act.

Sec. 4. Any organization or agency may file a written application with the Department of Health for licensure as a

hospice. The application shall be filed on a form prescribed by the department and shall be accompanied by a license fee fixed by rules and regulations of the department.

Sec. 5. A license issued under the Hospice Licensure Act is not assignable or transferable, must be separate from any existing license, and is subject to suspension or revocation at any time for failure to comply with the act.

Sec. 6. (1) The Department of Health may adopt and promulgate rules and regulations to carry out the Hospice Licensure Act. The rules and regulations shall be initially adopted within one year after the effective date of this act. The rules and regulations shall apply to all organizations and agencies providing hospice care.

(2) The department shall fix, charge, and collect license fees and license renewal fees. The fees shall not be less than one hundred dollars or more than two hundred fifty dollars.

Sec. 7. Section 71-2017, Revised Statutes Supplement, 1994, is amended to read:

71-2017. The purposes of sections 71-2017 to 71-2029 and 81-604.01 and the Nebraska Nursing Home Act are: (1) To provide for the development, establishment, and enforcement of basic standards (a) for the care of persons in hospitals, health clinics, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, nursing facilities, domiciliary facilities, mental health centers, centers for the developmentally disabled, alcoholic treatment centers, residential care facilities, and drug treatment centers or persons using the services of a home health agency or hospice as defined in the Hospice Licensure Act and (b) for the construction, maintenance, and operation of such health care facilities which, in light of existing knowledge, will insure safe and adequate care of such persons in such health care facilities; (2) to recognize the coordinated development of health care facilities and services; (3) to promote the development of multi-institutional systems that will coordinate and consolidate the delivery of health care services and multi-institutional arrangements for the sharing of support services; and (4) to promote the development of capacity to provide various levels of care on a geographically integrated basis to meet the special needs of residents of the State of Nebraska for health services.

Any hospital or other health care facility owned or operated by a fraternal organization mentioned in section 21-608 exclusively for its own members shall be exempt unless any such fraternal organization owning or operating such a hospital or other health care facility is issued a license for such hospital or other health care facility upon its written application and upon its agreeing to comply with sections 71-2017 to 71-2029 and the Nebraska Nursing Home Act.

The Department of Health may waive any rule, regulation,

or standard adopted and promulgated by the department relating to construction or physical plant requirements of licensed health facilities upon proof by the licensee satisfactory to the department that the waiver of such rule, regulation, or standard will not unduly jeopardize the health or welfare of the patients or residents, that such rule, regulation, or standard would create an unreasonable hardship upon the facility, and that a waiver will not cause the State of Nebraska to fail to comply with any of the applicable requirements of medicare or medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled. The licensee shall submit and the department shall consider the following in evaluating the issue of unreasonable hardship: (i) The estimated cost of the modification or installation; (ii) the extent and duration of the disruption of the normal use of patient or resident areas resulting from construction work; (iii) the estimated period over which cost would be recovered through reduced insurance premiums and increased reimbursement related to cost; (iv) the availability of financing; and (v) the remaining useful life of the building. Any such waiver may be under such terms and conditions and for such period of time, not to exceed one year at a time, as the department may prescribe. The department may each year waive such rule, regulation, or standard for an additional year if the department determines that the continued waiver of such rule, regulation, or standard for an additional year will not constitute a hazard to the health or welfare of the patients or residents and will not cause the State of Nebraska to fail to comply with any of the applicable requirements of medicare or medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.

Nothing in sections 71-2017 to 71-2029, 71-6043 to 71-6052, and 81-604.01, the Nebraska Nursing Home Act, or any rule or regulation adopted and promulgated pursuant thereto shall be construed to authorize or require any facility which is operated by and for members of a church which includes healing by prayer and spiritual means as a part of its religious practices to be licensed or inspected by the Department of Health except as such licensure and inspection pertain solely to sanitation, fire prevention, and safety standards and building and construction codes applicable to the facilities mentioned in subdivision (1) of this section, nor shall any patients, residents, or personnel thereof be subjected to any medical supervision, regulation, or control in connection with the operation of any such facility.

Sec. 8. Section 71-6615, Revised Statutes Supplement, 1994, is amended to read:

71-6615. Sections 71-6601 to 71-6615 shall not apply to any volunteers working on behalf of a hospice licensed under the Hospice Licensure Act ~~program, as such program is defined by rules and regulations of the department,~~ who, as part of their volunteer

duties, provide home health care.

Sec. 9. Original sections 71-2017 and 71-6615, Revised Statutes Supplement, 1994, are repealed.".

LEGISLATIVE BILL 1154. Placed on General File as amended.
Standing Committee amendment to LB 1154:
AM3191

1. Strike original sections 2 through 5 and insert the following new sections:

"Sec. 2. For purposes of the False Medicaid Claims Act:

(1) Claim means an application for payments for goods or services, including any written or electronically submitted request or demand to the state agency or its agents or assignees for reimbursement for goods or services purported to have been provided to a recipient, whether or not the state agency pays any portion of such claim;

(2) Good or service includes (a) any particular item, device, medical supply, or service claimed to have been provided to a recipient and listed in an itemized claim for payment and (b) any entry in the cost report, books of account, or other documents supporting such good or service;

(3) Knows or should know means that a person, with respect to information:

(a) Has actual knowledge of the information;

(b) Acts in deliberate ignorance of the truth or falsity of the information; or

(c) Acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required;

(4) Medicaid program means the medical assistance program under sections 68-1018 to 68-1025;

(5) Person means a provider of goods or services covered under the medicaid program or any employee of such provider whether the provider is an individual, individual medical vendor, firm, corporation, professional association, professional corporation, partnership, limited liability company, organization, or other legal entity, or such an entity which is not a provider but which provides goods or services to such a provider;

(6) Recipient means an individual who is eligible to receive goods or services for which payment may be made under the medicaid program; and

(7) State agency means the agency established or designated to administer or supervise the administration of the medicaid program.

Sec. 3. Any person that presents, or causes to be presented, to an officer, employee, assignee, or agent of the state agency a claim under the medicaid program presents a false claim if such person knows or should know:

(1) The goods or services were not provided as claimed;

(2) The claim is not true or is fraudulent;

(3) Such person made, used, or caused to be made or used a false record or statement to support a claim; or

(4) The good or service was provided by a person during a period that such person was excluded from the medicaid program pursuant to a determination by the federal Secretary of the Department of Health and Human Services or by the state agency.

Any person that presents a false claim is subject, in addition to any other remedies that may be prescribed by law, to a civil penalty of not more than five thousand dollars for each false claim. In addition, such person is subject to an award of twice the amount of damages sustained by the state agency because of such claim. In the court's discretion, the prevailing party may also recover the costs of a civil action brought to recover the penalties or damages and for reasonable attorney's fees incurred, including the costs for no more than one expert used in the investigation and trial.

Sec. 4. In determining the amount of any penalties or assessments awarded under the False Medicaid Claims Act, the following shall be taken into account:

(1) The nature of claims and the circumstances under which they were presented;

(2) The degree of culpability, history of prior offenses, and financial condition of the person presenting the claims;

(3) Coordination of the total penalties, damages, and assessments arising from the same claims, goods, or services, whether based on state or federal statute; and

(4) Such other matters as justice requires.

Amounts recovered under the False Medicaid Claims Act shall be paid to the State Treasurer for credit to the Medical Assistance Fund, except that damages that exceed compensatory damages shall be credited to the permanent school fund. The amount of such penalty or assessment, when finally determined, or the amount agreed upon in compromise, may be deducted from any sum then or later owing by the state agency to the person against whom the penalty or assessment has been assessed.

Sec. 5. (1) A civil action under the False Medicaid Claims Act may not be filed with respect to any claim later than six years after the date the claim was presented. Such an action may be brought for false claims made prior to the effective date of this act if the limitations period in this subsection has not passed.

(2) In an action brought under the act, the state shall prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.".

2. On page 5, strike beginning with "the" in line 8 through "of" in line 9.

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.

Nebraska Board of Health
Patricia Kuehl
Dr. Charles Ihle

Child Abuse Prevention Fund Board
Elaine D'Amato

Director of the Department of Social Services
Don Leuenberger

VOTE: Aye: Senators Dierks, Jensen, Klein, Matzke, Schimek, and Wesely. Nay: none. Absent: Senator Pirsch.

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.

Nebraska Board of Health
Allen Dvorak, M.D.
Karen Knortz, Ph.D.
Steven Wooden

Foster Care Review Board
Steven Renteria

VOTE: Aye: Senators Dierks, Klein, Matzke, Schimek, and Wesely. Nay: none. Absent: Senators Jensen and Pirsch.

(Signed) Don Wesely, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 27, 1996, at 5:10 p.m., was the following bill: LB 900.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 532. E & R amendment, AM7185, found in the Journal on page 782, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 969. Advanced to E & R for engrossment.

LEGISLATIVE BILL 974. Mr. Beutler offered the following amendment:
AM3379

1. Insert the following new section:

"Section 1. Section 60-488, Reissue Revised Statutes of Nebraska, is amended to read:

60-488. (1) A nonresident shall not be prevented from operating a motor vehicle upon the highways of this state during the period within which he or she may lawfully operate such motor vehicle in the state under the general motor vehicle laws of this state, but in no event shall such immunity extend beyond a period of thirty days continuous residence in the State of Nebraska.

(2) Subsection (1) of this section shall be subject to the following limitations:

(a) Such nonresident shall be duly licensed under the motor vehicle laws of the state of his or her residence or have complied with the laws of the state of his or her residence relating to the registration or licensing of motor vehicles and conformed to the laws of such state of residence in relation to the operators of motor vehicles;

(b) A nonresident who is serving in this state on active duty as a member of the United States Armed Forces, or the spouse of any such person or a dependent of ~~person who has been with~~ such member of the armed forces, shall be exempt from the licensing requirements of this state if he or she is duly licensed under the laws of the state of his or her residence;

(c) A nonresident who is considered to be a full-time student in any institution of postsecondary education in this state shall be exempt from the licensing requirements of this state if such person is duly licensed under the laws of the state of his or her residence; and

(d) A nonresident certified by the Department of Labor, Division of Employment, as engaged in temporary agricultural employment in Nebraska for a period of not to exceed sixty days may be granted an additional thirty days' immunity if a similar immunity is granted by the state of his or her permanent residence to residents of Nebraska while temporarily employed in agricultural employment in such state.".

2. On page 2, lines 6 and 24, strike "person who has been with", show as stricken, and insert "dependent of"; and in line 17 strike "person who has been with" and insert "dependent of".

3. On page 3, line 6, strike "section" and insert "sections 60-488 and"; and in line 7 strike "is" and insert "are".

4. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 28 ayes, 0 nays, 3 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 966. E & R amendment, AM7184, found in the Journal on page 782, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 689. Mr. Landis renewed his pending amendment, AM3125, found in the Journal on page 792.

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

The Landis amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 464. E & R amendment, AM7191, found in the Journal on page 796, was adopted.

Mr. Kristensen withdrew his amendment, AM3101, found in the Journal on page 768.

Mr. Kristensen renewed his pending amendment, AM3178, printed separately and referred to on page 841.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1036. E & R amendment, AM7187, found in the Journal on page 796, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 934. Advanced to E & R for engrossment.

LEGISLATIVE BILL 984. E & R amendment, AM7188, found in the Journal on page 797, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1038. Mr. Kristensen renewed his pending amendment, AM3322, found in the Journal on page 935.

The Kristensen amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1039. E & R amendment, AM7189, found in the Journal on page 797, was adopted.

Mr. Warner renewed his pending amendment, AM3353, found in the Journal on page 940.

The Warner amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment:
FA464
Add the following new sections
Sec. 5 The Act shall be operative for all applications filed for year 1996 and thereafter.
Sec. 6 E-clause

The Warner amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1040. E & R amendment, AM7190, found in the Journal on page 797, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1041. Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM7193, found in the Journal on page 799, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1122. E & R amendment, AM7183, found in the Journal on page 799, was adopted.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1007. Advanced to E & R for engrossment.

LEGISLATIVE BILL 962. E & R amendment, AM7195, found in the Journal on page 801, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1108. E & R amendment, AM7197, found in the Journal on page 818, was adopted.

Mr. Dierks renewed his pending amendment, AM3212, found in the Journal on page 825.

The Dierks amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Matzke renewed his pending amendment, AM3361, on file and referred to on page 955.

The Matzke 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 967. E & R amendment, AM7192, found in the Journal on page 819, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1072. E & R amendment, AM7196, found in the Journal on page 820, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 938. E & R amendment, AM7198, found in the Journal on page 820, was adopted.

Mr. Kristensen renewed his pending amendment, AM3102, found in the Journal on page 767.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1073. E & R amendment, AM7199, found in the Journal on page 820, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 906. E & R amendment, AM7200, found in the Journal on page 821, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1002. Advanced to E & R for engrossment.
LEGISLATIVE BILL 909. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1048. E & R amendment, AM7204, found in the Journal on page 864, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 908. E & R amendment, AM7203, found in the Journal on page 864, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 933. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1008. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1047. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1123. E & R amendment, AM7205, found in the Journal on page 865, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1035. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1001. E & R amendment, AM7208, found in the Journal on page 911, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 973. E & R amendment, AM7211, found in the Journal on page 913, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 604. Title read. Considered.

Standing Committee amendment, AM0323, found in the Journal on page 1245, First Session, 1995, was considered.

Mr. Schrock renewed his pending amendment, AM3343, found in the Journal on page 935, to the Standing Committee amendment.

The Schrock amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Withem renewed his pending amendment, AM2985, found in the Journal on page 679.

Mr. Withem withdrew his amendment.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 575. Title read. Considered.

Standing Committee amendment, AM0895, found in the Journal on page 1042, First Session, 1995, was considered.

Mr. Pedersen renewed his pending amendment, AM3272, found in the Journal on page 930, to the Standing Committee amendment.

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

The Pedersen amendment was adopted with 26 ayes, 1 nay, 16 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 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1373. Title read. Considered.

Standing Committee amendment, AM3113, found in the Journal on page 761, 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 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 981. Placed on General File as amended.
Standing Committee amendment to LB 981:
AM3057

1. On page 3, strike beginning with "An" in line 3 through the period in line 6, show as stricken, and insert "An Emergency Medical Technician-D Service Program shall be certified to operate with all levels of certified emergency medical care personnel and to offer such services as they may perform at their level of certification insofar that the services provided do not exceed the level of the service program certification."; and strike beginning with "An" in line 16 through "technicians-intermediate" in line 21, show the old matter as stricken, and insert "An Emergency Medical Technician-Intermediate Service Program shall be certified to operate with all levels of emergency medical care personnel and to offer such services as they may perform at their level of certification insofar that the services provided do not exceed the level of the service program certification".

LEGISLATIVE BILL 1105. Placed on General File as amended.
Standing Committee amendment to LB 1105:
AM3357

1. On page 2, after line 14, insert the following new subdivision:

"(1) Billboard means (a) any board or panel erected, constructed, or maintained or (b) any painting, for the purpose of displaying outdoor advertising by means of painted letters, posters, pictures, or pictorial or reading matter, either illuminated or nonilluminated;"; in line 15 strike "(1)" and insert "(2)"; in line 19 strike "(2)" and insert "(3)" and after "means" insert "cigarettes as defined in section 77-2601 and"; in line 22 strike "any person" and insert "the owner of the billboard or billboards and the manufacturer of the product displayed"; and in line 23 strike "a" and insert "each".

LEGISLATIVE BILL 1257. Placed on General File as amended.
Standing Committee amendment to LB 1257:
AM3325

1. Strike the original sections and insert the following new section:

"Section 1. If regional centers are downsized and patients are returned to Nebraska's communities, it is the policy of the State of Nebraska that all local, state, and federal funds which supported services in the state's regional centers shall be reinvested in the community-based mental health system to provide cost-effective psychiatric or psychosocial rehabilitation services to Nebraskans with severe and persistent mental illnesses.".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1172. Placed on General File.
LEGISLATIVE BILL 1335. Placed on General File.

LEGISLATIVE BILL 1062. Placed on General File as amended.
Standing Committee amendment to LB 1062:
AM3281

1. On page 3, line 16, after the period insert "Property tax levies for bonded indebtedness approved according to law and secured by a levy on property are not included in the levy limits established by this section.".

LEGISLATIVE BILL 1263. Placed on General File as amended.
Standing Committee amendment to LB 1263:
AM3298

1. On page 2, line 4, reinstate the stricken matter and strike the new matter.

LEGISLATIVE BILL 1338. Placed on General File as amended.
Standing Committee amendment to LB 1338:
AM3139

1. On page 4, line 5, after "fees" insert ". The relief authorized in this subsection, including reasonable attorney's fees, shall be paid from funds of the agency in which the violation occurred".

LEGISLATIVE BILL 1225. Indefinitely postponed.
LEGISLATIVE BILL 1266. Indefinitely postponed.
LEGISLATIVE BILL 1287. Indefinitely postponed.
LEGISLATIVE BILL 1313. Indefinitely postponed.
LEGISLATIVE BILL 1331. Indefinitely postponed.
LEGISLATIVE BILL 1351. Indefinitely postponed.
LEGISLATIVE BILL 1377. Indefinitely postponed.

LEGISLATIVE RESOLUTION 302CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 1157. Placed on General File.

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 468. Placed on General File.
LEGISLATIVE BILL 1045. Placed on General File.

LEGISLATIVE BILL 1297. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Judiciary

LEGISLATIVE BILL 911. Placed on General File.
LEGISLATIVE BILL 1099. Placed on General File.
LEGISLATIVE BILL 1171. Placed on General File.
LEGISLATIVE BILL 1244. Placed on General File.
LEGISLATIVE BILL 1380. Placed on General File.

LEGISLATIVE BILL 912. Indefinitely postponed.
LEGISLATIVE BILL 959. Indefinitely postponed.
LEGISLATIVE BILL 963. Indefinitely postponed.
LEGISLATIVE BILL 991. Indefinitely postponed.
LEGISLATIVE BILL 1009. Indefinitely postponed.
LEGISLATIVE BILL 1074. Indefinitely postponed.
LEGISLATIVE BILL 1097. Indefinitely postponed.
LEGISLATIVE BILL 1195. Indefinitely postponed.
LEGISLATIVE BILL 1206. Indefinitely postponed.
LEGISLATIVE BILL 1219. Indefinitely postponed.
LEGISLATIVE BILL 1221. Indefinitely postponed.
LEGISLATIVE BILL 1283. Indefinitely postponed.
LEGISLATIVE BILL 1286. Indefinitely postponed.
LEGISLATIVE BILL 1342. Indefinitely postponed.

(Signed) John Lindsay, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 324. Introduced by Crosby, 29; Landis, 46; Wesely, 26; Schimek, 27; Beutler, 28; Hudkins, 21; Warner, 25; Maurstad, 30.

WHEREAS, the University of Nebraska-Lincoln Cornhusker Marching Band has a premier band program and the oldest continuous marching band program in the United States at 118 years; and

WHEREAS, the 270 member Cornhusker Marching Band has been awarded the 1996 Sudler Trophy for its band program; and

WHEREAS, the Sudler Trophy is awarded by the John Phillips Sousa Foundation in Chicago to the college band that has consistently demonstrated outstanding musicianship, show design, and entertainment by a vote of all marching band directors in the NCAA based upon a band program's history and national television appearances; and

WHEREAS, The Sudler Trophy will be awarded to the band during Band Alumni Day on September 28, 1996, at the Colorado State - Nebraska football game.

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

1. That the Legislature congratulates the University of Nebraska-Lincoln Cornhusker Marching Band on winning the Sudler Trophy.

2. That a copy of this resolution be sent to Cornhusker Marching Band Director Jay Kloecker.

Laid over.

LEGISLATIVE RESOLUTION 325. Introduced by Robinson, 16.

WHEREAS, the Tekamah-Herman High School Tigers won the Class C Championship at the Nebraska State High School Wrestling Tournament at Lincoln, February 16 and 17, 1996; and

WHEREAS, team members Bill Williams, Justin Magill, Brian Page, Jesse Sheets, Nick Uhing, David Welte, Buck Rasmussen, Justin Eriksen, Coach Brent Abrams, and Assistant Coach Don Maxwell attained the championship through personal dedication, commitment to excellence, and discipline; and

WHEREAS, such team achievement is made possible not only by individual members' performance and coaching guidance, but also through the support of Tekamah-Herman teachers, administrators, and parents.

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

1. That the Legislature congratulates the Tekamah-Herman Tigers on their championship wrestling season.

2. That copies of this resolution be presented to the team members, coaching staff, and administration of Tekamah-Herman High School.

Laid over.

LEGISLATIVE RESOLUTION 326. Introduced by Robinson, 16.

WHEREAS, Andy Christensen of Fort Calhoun High School, Bubba Stork of Arlington High School, and Nick Uhing of Tekamah-Herman High School won state championships in their respective weights at the state wrestling tournament, February 16 and 17, 1996; and

WHEREAS, Andy Christensen's performance at the tournament led to an undefeated season and his third straight state championship, making him one of only fifty-nine wrestlers in Nebraska history to win three championships; and

WHEREAS, Bubba Stork's performance at the tournament led to an undefeated season and his second state championship; and

WHEREAS, Nick Uhing's performance at the tournament brought his first state championship and contributed to the Tekamah-Herman Tigers' team championship; and

WHEREAS, these individual achievements were possible because of personal dedication as well as the guidance of committed coaching staffs and supportive school communities.

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

1. That the Legislature congratulates Andy Christensen on his third state wrestling championship.

2. That the Legislature congratulates Bubba Stork on his second state wrestling championship.

3. That the Legislature congratulates Nick Uhing on his first state wrestling championship.

4. That copies of this resolution be presented to Andy Christensen, Bubba Stork, Nick Uhing, and the coaching staffs and administration of Fort Calhoun, Arlington, and Tekamah-Herman high schools.

Laid over.

LEGISLATIVE RESOLUTION 327. Introduced by Kristensen, 37.

WHEREAS, students all over Nebraska are concerned about the safety of every Nebraskan; and

WHEREAS, according to the Nebraska Office of Highway Safety, forty-two teenage fatalities have tragically occurred on Nebraska roads between January, 1995, and January, 1996; and

WHEREAS, according to the same office, fifty-two fatalities have been reported in which there was a teenage driver involved; and

WHEREAS, according to the same office, five thousand five hundred thirty teenagers were injured during the previous year as a result of automobile accidents on Nebraska roads; and

WHEREAS, those deaths and injuries have impacted young people across the state with feelings of grief and remorse; and

WHEREAS, those deaths mean that the State of Nebraska has lost some of its brightest young people on its own roads; and

WHEREAS, Nebraska's citizens should be rightly concerned by these tragic statistics; and

WHEREAS, the State of Nebraska has a vested interest in making its roadways safer for all who travel on them, including teenage drivers; and

WHEREAS, raising awareness among teenage drivers concerning highway safety would be a step toward reducing the statistics mentioned above.

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

1. That Monday, April 8, 1996, be proclaimed as NEBRASKA YOUTH HIGHWAY SAFETY AWARENESS DAY, with the hope that schools across Nebraska will observe the day by raising the awareness of highway safety among their students and urging them to obey state highway laws and to make wise choices when they, or someone they care about, is behind the wheel of a car.

Laid over.

AMENDMENTS - Print in Journal

Mmes. Pirsch and Brown filed the following amendment to LB 905:
FA465
Strike new language on
Page 7, Lines 16 through 18.
Page 9, Lines 9 through 11.
Page 9, Lines 20 through 21
Page 10, Lines 1 through 3
Page 11, Lines 9 through 12
Page 11, Lines 18 through 20
Page 12, Lines 7 through 10
Page 12, Lines 14 through 16

Mmes. Pirsch and Brown filed the following amendment to LB 905:
FA466
Strike new language on
Page 15 Lines 26 through 28
Page 16 Lines 10 through 12

Mr. Wickersham filed the following amendment to LB 972:
FA469
P 2 strike Section 2

Mr. Hilgert filed the following amendment to LB 972:
AM3380
1. Strike section 2.
2. On page 2, line 1, strike "4" and insert "3".
3. On page 3, line 4, after the period insert "Conduct other than issuance of a charitable gift annuity, including the marketing of a charitable gift annuity, is not exempt from application of the Uniform Deceptive Trade Practices Act pursuant to this subdivision.".
4. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 972:
FA467

1. Insert the following new section:
"Sec. 4. The following sections are outright repealed:
Sections 28-1441 to 28-1449, Reissue Revised Statutes of Nebraska, and section 28-1440, Revised Statutes Supplement, 1994.".

Mr. Wickersham filed the following amendment to LB 901:
AM3277
(Amendments to Standing Committee amendments, AM3071)
1. Strike section 3.
2. On page 3, line 1, after the stricken matter insert "(1)(d)"; and in line 2 strike the new matter and reinstate the stricken matter.
3. On page 4, line 1, strike the new matter and insert "and section 7".
4. On page 7, line 1, strike "Fifty-five" and insert "Sixty-five"; and strike beginning with "an" in line 2 through "(f)" in line 7 and insert "a freeway; and (e)".
5. Renumber the remaining sections accordingly.

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
Janet Korell
Thomas C. Woods III

Nebraska Advisory Commission on Compulsive Gambling
Matthew Pelzer
Vernon L. Scott
William M. Williams Jr.

State Electrical Board
Sterling R. Johnson

VOTE: Aye: Senators Cudaback, Elmer, Hartnett, Hudkins, Robak, Robinson, and Schellpeper. Nay: None. Absent: Senator Will.

(Signed) Stan Schellpeper, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1322. Title read. Considered.

Standing Committee amendment, AM3046, found in the Journal on page 737, was considered.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
FA468
Amend AM3046
Page 1. Strike lines 2-24.
Page 2. Strike lines 1-10.
and insert:
Strike original section 10.

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

MR. COORDSEN PRESIDING

MR. BERNARD-STEVENS PRESIDING

Messrs. Coordsen, Beutler, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1386. Placed on General File.
LEGISLATIVE BILL 1387. Placed on General File.

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Elmer filed the following amendment to LB 901:
FA470
Amend AM3071 as follows
on page 7, line 4, strike the word "sixty" and insert the word "sixty-five"

Mr. Chambers filed the following amendment to LB 901:
FA471
Amend Committee Amendments (AM3071)
On page 12:
1. line 6, strike "five" and insert "ten";
2. line 8, strike "six to ten" and insert "eleven to fifteen";

3. line 10, strike "eleven to fifteen" and insert "sixteen to twenty";
4. line 11 after "limit" add "and"
5. strike lines 12 and 13.

Mr. Withem filed the following amendment to LB 1322:
AM3381

1. On page 7, line 12, strike "nine" and insert "twelve"; in line 14 after the period insert "Of the twelve members, at least one member shall be a local code enforcement official, at least one member shall be a contractor involved in one of the licensed trades, and at least one member shall be an individual who actually works in the construction of housing."; in line 19 strike "a majority" and insert "at least seven"; and in line 21 strike "one-half" and insert "seven of".

Mr. Maurstad filed the following amendment to LB 1322:
FA472

On page 3, line 1 strike "appropriations from the Legislature,"

Mr. Maurstad filed the following amendment to LB 1322:
FA473

Strike on page 4 lines 27 & 28.
Strike on page 5 lines 1-3; 7-15.

Mr. Maurstad filed the following amendment to LB 1322:
FA474

On line 18 add "and" after agencies, and strike on line 20 from "and" through "organizations" on line 21.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 313. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Preister, Chambers, Jones, Landis, Pedersen, Cudaback, Beutler, Vrtiska, Avery, Wesely, Hartnett, Hilgert, Lynch, Mmes. Robak, Crosby, Stuhr, Brown, Bohlke, and Ms. Schimek asked unanimous consent to have their names added as cointroducers to LB 1039. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 842. No objections. So ordered.

Mr. Chambers and Mrs. Hillman asked unanimous consent to have their names added as cointroducers to LB 1322. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 1055. No objections. So ordered.

VISITORS

Visitors to the Chamber were Linda Mai, Rosalie Kramer, and Jay Doyle from Scottsbluff; Adam Mallory from Lincoln; and 14 students and teacher from Wayne State College.

The Doctor of the Day was Allegra Weiss from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, February 29, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SIXTH DAY - FEBRUARY 29, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 29, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Charles Schmidt, Grace Lutheran Church, Fairbury, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Beutler, Bromm, Coordsen, Elmer, Engel, Hilgert, Kristensen, Landis, Lindsay, Lynch, Pedersen, Warner, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1218. Placed on Select File as amended.
(E & R amendment, AM7214, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 744. Indefinitely postponed.

LEGISLATIVE BILL 745. Indefinitely postponed.
LEGISLATIVE BILL 930. Indefinitely postponed.
LEGISLATIVE BILL 1204. Indefinitely postponed.
LEGISLATIVE BILL 1289. Indefinitely postponed.
LEGISLATIVE BILL 1332. Indefinitely postponed.

LEGISLATIVE RESOLUTION 284CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Education

LEGISLATIVE BILL 1214. Placed on General File.

LEGISLATIVE BILL 1030. Indefinitely postponed.
LEGISLATIVE BILL 1091. Indefinitely postponed.
LEGISLATIVE BILL 1102. Indefinitely postponed.
LEGISLATIVE BILL 1140. Indefinitely postponed.
LEGISLATIVE BILL 1200. Indefinitely postponed.
LEGISLATIVE BILL 1215. Indefinitely postponed.
LEGISLATIVE BILL 1279. Indefinitely postponed.
LEGISLATIVE BILL 1295. Indefinitely postponed.
LEGISLATIVE BILL 1302. Indefinitely postponed.

LEGISLATIVE RESOLUTION 299CA. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1322. The Maurstad pending amendment, FA468, found in the Journal on page 976, to the pending Standing Committee amendment, was renewed.

MRS. CROSBY PRESIDING

MR. COORDSEN PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Fisher moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. BERNARD-STEVENS PRESIDING

The Maurstad amendment lost with 5 ayes, 23 nays, 20 present and not voting, and 1 excused and not voting.

Messrs. Withem and Wesely offered the following amendment to the Standing Committee amendment:
AM3420

(Amendments to Standing Committee amendments, AM3046)

1. On page 2, strike line 6 and insert:

"(e) Concerning any recommendations for changes in codes and code enforcement, a statement analyzing the cost-benefit analysis between the amount of money saved and the potential loss of quality housing and safety; and

(f)"; in line 7 strike "(e)"; in line 9 after the first period insert:

"(3) The task force shall consist of at least twelve members representative of the public, private, and governmental interests in development, sales, and regulation of housing. Of the twelve members, at least one member shall be a local code enforcement official, at least one member shall be a contractor involved in one of the licensed trades, and at least one member shall be an individual who actually works in the construction of housing. The Governor, in consultation with the housing advisory committee established in section 4 of this act, shall appoint the members and a chairperson and vice-chairperson from the members.

(4) The task force shall meet at the call of the chairperson or at least seven of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the task force. A quorum shall be seven of the members."; and in line 10 strike "11" and insert "21".

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

The Withem-Wesely amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Withem withdrew his amendment, AM3381, found in the Journal on page 977.

Mr. Maurstad renewed his pending amendment, FA472, found in the Journal on page 977.

SPEAKER WITHEM PRESIDING

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 14 nays, and 17 not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 1141:
FA477

Amend by inserting the following new section: "It is the intent of the Legislature that the annual costs for all juvenile services provided through the Office of Juvenile Services or any succeeding department shall not increase greater that the annual rate of growth of the Consumer Price Index as determined by the United States Department of Labor, Bureau of Labor Statistics."

Mr. Bernard-Stevens filed the following amendment to LB 1108:
AM3398

1. Strike the Matzke amendment, AM3361.

Mr. Schrock filed the following amendment to LB 901:
FA475

Amend AM3071
On Page 6 following line 14 insert
new (d) Fifty-five miles per hour on any dustless surfaced highway not a part of the state highway system;
Reletter remaining subdivisions accordingly

Mr. Abboud filed the following amendment to LB 901:
AM3418

(Amendments to Standing Committee amendments, AM3071)

1. On page 13, after line 16, insert the following new subsection:

"(4) Pretrial diversion shall not be available to individuals who commit infractions on the National System of Interstate and Defense Highways.".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1050A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to amend section 90-511, Revised Statutes Supplement, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996; to provide operative dates; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1366A. 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 1366, Ninety-fourth Legislature, Second Session, 1996.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 645.

Enrollment and Review Change to LB 645

The following changes, required to be reported for publication in the Journal, have been made:
ER9118

1. In the Abboud amendment, AM3275:

a. Sections 16 and 17 have been struck; and

b. On page 1, the matter beginning with "and" in line 10 through line 11 has been struck, shown as stricken, and an underscored period inserted.

2. In the Beutler amendment, FA455, on page 1, paragraphing and "(3)" have been inserted before "In", underscoring has been inserted, "Sections" has been struck and "sections" inserted, an underscored comma has been inserted after "28-314" and after "28-315", and an underscored period has been inserted after "Act".

3. In lieu of the Beutler amendment, FA423, in the E & R amendment, AM7182, on page 2, line 21, "and (b)" has been inserted after "(a)".

4. In the Wesely-Hudkins amendment, AM3170:

a. Sections 14 to 20 have been renumbered as sections 16 to 22, respectively;

b. On page 1, line 3, "Section" has been struck and "Sec." inserted; and

c. On page 5, line 16, "28-320.01, 28-707," has been inserted after "sections"; and in line 19 the first comma has been struck and "and" inserted and ", 29-2932, and" has been struck and "to" inserted.

5. In the E & R amendment, AM7182:

a. On page 1, line 9, "the" has been inserted before "lack"; and in line 17 "act" has been struck and "section" inserted;

b. On page 2, line 21, "subdivision" has been struck and "subdivisions" inserted; and in line 22 "act" has been struck and "section" inserted;

c. On page 3, line 19, the last "of" has been struck; and in line 20 "of" has been struck;

d. On page 4, line 8, both occurrences of "of" have been struck; and in line 18 "acts" has been struck and "act" inserted; and

e. On page 5, line 2, the first "and" has been struck.

6. On page 1, line 1, "sex offenders;" has been struck and "crimes and offenses; to amend sections 28-320.01, 28-707, 29-2929, 29-2930, 29-2934, and 29-2935, Reissue Revised Statutes of Nebraska;" inserted; and the matter beginning with "and" in line 2 through line 3 has been struck and "to change provisions relating to sexual assault of a child and child abuse; to change and eliminate provisions relating to the Convicted Sex Offender Act; to eliminate resentencing provisions; to provide for an individual discharge plan; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2927 and 29-2931 to 29-2933, Reissue Revised Statutes of Nebraska." inserted.

LEGISLATIVE BILL 1248. Placed on Select File as amended.
E & R amendment to LB 1248:
AM7215

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1) While appropriations are adequate to meet the normal needs, the Legislature recognizes the necessity to care for the unusual and extraordinary burdens imposed on the state and local government by catastrophic financial emergencies. It is the intent of the Legislature that the first recourse for responding to catastrophic financial emergencies shall be to funds regularly appropriated to the state or to local government by its governing body.

(2) For purposes of claims made pursuant to this section:

(a) Catastrophic financial emergency means expenses which (i) are caused by abnormal expenses of government incurred as a result of legal mandates and requirements imposed on local government by the state combined with expenses incurred in relation to a disaster which means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, or oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or civil disturbance, (ii) are incurred within the five immediately preceding fiscal years but which may be related to acts or incidents that occurred not more than three years prior to that five-year period and may be ongoing, and (iii) create an undue burden on local government due to a lack of viable fiscal resources; and

(b) Local government means any county, city, or village in Nebraska.

(3) A local government may file a claim for reimbursement of indebtedness or for a grant or loan to provide financial relief from the state through the Local Government Catastrophic Financial Emergency Fund under the following circumstances:

(a) To reimburse local governments for indebtedness incurred pursuant to sections 15-244, 16-213, 17-560, 18-1750, and 23-160.01 or a home rule charter as a result of a catastrophic financial emergency; and

(b) To provide financial relief to local governments in the form of grants or loans to permit the normal transaction of essential business and to provide for the continuation of essential services.

(4) The claim shall be filed with the Risk Manager. The following information shall be filed with the claim in order to determine eligibility:

(a) A resolution approved by the governing body formally declaring a catastrophic financial emergency;

(b) Documentation of expenses related to any occurrence within the immediately preceding five fiscal years of any natural disaster that used the local government's financial resources;

(c) Documentation of abnormal expenses incurred within the immediately preceding five fiscal years which are caused by legal mandates imposed by either state or federal government;

(d) Documentation that the local government has exhausted other viable sources of revenue; and

(e) Additional information that may be required and shall be requested by the Risk Manager as part of the investigation.

(5) The Risk Manager shall immediately inform the State Claims Board as to the filing of the claim and the nature of the demand. The claim shall be investigated and the results of the investigation presented to the State Claims Board for review and decision.

(6) Approved claims shall be paid from the Local Government Catastrophic Financial Emergency Fund to the extent that there are funds available. The local government may appeal any claim denied by the State Claims Board, or any claim approved but for which full payment has not been made, to the Legislature by filing a notice of appeal with the Risk Manager prior to December 31 of the year in which the State Claims Board decision was made. The appeal will be included in the claims bills annually considered by the Legislature.

(7) An annual report shall be made to the Legislature by the Risk Manager listing all claims against the Local Government Catastrophic Financial Emergency Fund.

(8) This section terminates on June 30, 1998.

Sec. 2. Section 81-8,239.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.01. (1) For purposes of sections 81-8,239.01 to 81-8,239.08, unless the context otherwise requires, the definition

of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a division within the Department of Administrative Services to be known as the risk management and state claims division. The division shall be headed by the Risk Manager who shall be appointed by the Director of Administrative Services. The division shall be responsible for the Risk Management Program, which program is hereby created. The program shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, and 81-8,300 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to

11-203, 81-8,239.05, 81-8,239.07, and 84-1603 and section 1 of this act;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of the Risk Management Program and make appropriation requests for the administration of the program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created by local public agencies pursuant to the Interlocal Cooperation Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 3. Section 81-8,239.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.02. The following separate permanent revolving funds are established in the state treasury for use under the Risk Management Program according to the purposes for which each fund is established:

(1) The State Insurance Fund is hereby created for the purpose of purchasing insurance to cover property, fidelity, and liability risks of the state and workers' compensation claims against the state and other risks to which the state or its agencies, officials, or employees are exposed and for paying related expenses. The fund may receive deposits from assessments against state agencies to provide insurance coverage as directed by the Risk Manager. The Risk Manager may retain in the fund sufficient money to pay for any deductibles or copayments as may be required by such insurance policies;

(2) The State Self-Insured Property Fund is hereby created for the purpose of replacing, repairing, or rebuilding state property which has incurred damage or is suffering other loss not fully covered by insurance and for paying related expenses. The fund may receive deposits from assessments against state agencies to provide property coverage as directed by the Risk Manager. The Risk Manager may assess state agencies to provide self-insured property coverage; ~~and~~

(3) The State Self-Insured Indemnification and Liability Fund is hereby created for the purpose of paying compensable liability and fidelity claims against the state or its agencies, officials, or employees which are not fully covered by insurance and for paying indemnification claims under section 81-8,239.05. Indemnification claims shall include payments for awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal. The fund may receive deposits from assessments against state agencies to pay for the costs associated with providing and supporting indemnification claims. The creation of this fund shall

not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees; and

(4) The Local Government Catastrophic Financial Emergency Fund is hereby created for the purpose of paying compensable claims under section 1 of this act and for providing financial relief to local governments under such section in the form of grants or loans. All obligations and expenses incurred by the Risk Management Program as a result of claims filed against the fund shall be paid from the fund. The creation of the fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees or any political subdivision or its officials or employees. Voluntary payments from any source to aid in carrying out the purpose of the fund and payments on loans if so designated may be accepted and deposited to the credit of the fund. This subdivision terminates on June 30, 1998.

Sec. 4. Original sections 81-8,239.01 and 81-8,239.02, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "disasters" in line 1 through line 6 and insert "state claims; to amend sections 81-8,239.01 and 81-8,239.02, Reissue Revised Statutes of Nebraska; to provide a claims process for catastrophic financial emergencies; to create a fund; to define terms; to state intent; to provide powers and duties; to provide a termination date; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1055. Placed on Select File as amended.
E & R amendment to LB 1055:
AM7213

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-1401, Reissue Revised Statutes of Nebraska, is amended to read:

81-1401. ~~As used in~~ For purposes of sections 81-1401 to 81-1414 and sections 3 to 5 of this act, unless the context otherwise requires:

(1) Commission ~~shall mean~~ means the Nebraska Commission on Law Enforcement and Criminal Justice;

(2) Council ~~shall mean~~ means the Nebraska Police Standards Advisory Council;

(3) Law enforcement agency means the police department or the town marshal in incorporated municipalities, the office of sheriff in unincorporated areas, and the Nebraska State Patrol;

(4)(a) ~~(3)(a)~~ Law enforcement officer ~~shall mean~~ means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make

arrests~~,~~ and includes, but is not limited to:

(i) A ~~full~~ full-time or part-time member of the Nebraska State Patrol;

(ii) A county sheriff;

(iii) A ~~full~~ full-time or part-time employee of a county sheriff's office;

(iv) A ~~full~~ full-time or part-time employee of a municipal or village police agency; or

(v) A full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation; but

(b) Law enforcement officer ~~shall~~ does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System or appointed under section 43-2,123, parole officers appointed by the Parole Administrator, or employees of the Department of Revenue under section 77-366;

(5) ~~(4)~~ Director ~~shall mean~~ means the director of the Nebraska Law Enforcement Training Center; and

~~(5)~~ (6) Training center ~~shall mean~~ means the Nebraska Law Enforcement Training Center.

Sec. 2. Section 81-1414, Reissue Revised Statutes of Nebraska, is amended to read:

81-1414. (1) On and after January 1, 1972, law enforcement officers already serving under permanent appointment shall not be required to meet any requirement of subsection (2) of this section as a condition of tenure or continued employment.

(2) On and after January 1, 1972, no person shall receive appointment as a law enforcement officer unless he or she has been awarded a certificate by the commission attesting to satisfactory completion of the minimum curriculum of the training center as established by the council or has been awarded a certificate attesting to satisfactory completion of a training program which the council finds equivalent thereto. Any person who has not been awarded such a certificate may receive an appointment conditioned on satisfactory completion of such training if he or she immediately applies for admission to the training center and enrolls in the next available basic training class. If such training is not completed within one year of the appointment, the person's employment shall not be renewed by appointment or otherwise and such person shall no longer be recognized as a law enforcement officer as defined in ~~subdivision (3) of~~ section 81-1401.

(3) On and after January 1, 1972, no law enforcement officer shall be promoted in rank unless he or she has been awarded a certificate by the director attesting to satisfactory completion of such advanced training as the council may require for the rank

to which he or she is to be promoted.

(4) At the direction of the council, the director shall issue a certificate attesting to a compliance with the requirements of subsection (2) or (3) of this section to any applicant who presents evidence of satisfactory completion of a training program, other than that of the training center, found by the director to be equivalent to that of the training center.

Sec. 3. (1) In order to maintain proficiency in firearm operation, a law enforcement officer shall qualify at least once every calendar year on a firearm shooting course approved by the director.

(2) Qualification on a firearm shooting course shall be conducted by a qualified firearm instructor pursuant to rules and regulations adopted and promulgated by the training center. Law enforcement agencies that do not have a qualified firearm instructor may share qualification with other law enforcement agencies that have a qualified firearm instructor or may utilize the Nebraska Association of Law Enforcement Firearm Instructors which may, at no cost, assist such law enforcement agencies by supplying a qualified firearm instructor for a firearm shooting course. The director shall adopt and promulgate rules and regulations for requalification for the case in which a law enforcement officer fails to qualify. The peace officer status of a law enforcement officer who fails to qualify shall be determined by the person in charge of the law enforcement agency which employs the law enforcement officer.

(3) Each law enforcement agency shall maintain its own records as to the firearm qualifications of its law enforcement officers.

Sec. 4. The minimum firearm qualification test shall consist of a firearm shooting course requiring the firing of fifty rounds of ammunition for completion of the course and the firearm shooting course prescribed target shall be the Federal Bureau of Investigation's "Q" target. The method of scoring on the firearm shooting course shall be "pass/fail". "Pass" means a score of seventy percent or higher.

Sec. 5. The person in charge of the law enforcement agency which employs the law enforcement officer shall submit to the training center a register of the law enforcement officers who have passed firearm qualification. The register shall include the name of the qualified law enforcement officer, the name of the instructor who administered the course, the date of firearm qualification, and the type of firearm used in firearm qualification.

Sec. 6. This act becomes operative on January 1, 1997.

Sec. 7. Original sections 81-1401 and 81-1414, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, strike beginning with "provide" in line 3 through line 4 and insert "require officers to maintain proficiency

in firearm operation; to provide powers and duties for the Nebraska Law Enforcement Training Center and law enforcement agencies; to".

LEGISLATIVE BILL 681. Placed on Select File as amended.
E & R amendment to LB 681:
AM7216

1. In the Standing Committee amendments, AM0707, on page 2, line 9, strike "section 15 of this act" and insert "this section".

2. On page 3, line 8, strike "act", show as stricken, and insert "Uniform Partnership Act"; and in line 20 reinstate the stricken matter.

3. On page 9, line 2, strike "where", show as stricken, and insert "when"; and in line 9 after "widows," insert "widowers,".

4. On page 15, lines 3 and 23, strike "in the office of" and insert "with".

5. On page 16, line 18, strike "a".

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Member Excused

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

MOTION - Place LB 943 on General File

Mrs. Stuhr renewed her pending motion, found in the Journal on page 885, to place LB 943 on General File pursuant to Rule 3, Section 19(b).

Mr. Lindsay raised a point of order on whether the Stuhr motion filed February 22, 1996, was in order, since the bill has been reported as indefinitely postponed by the Judiciary Committee on February 26, 1996.

The Chair ruled that the Stuhr motion was not in order, and that the bill could only be placed on General File under the provisions of Rule 3, Section 17.

Mrs. Stuhr challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

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

Mrs. Stuhr moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Mrs. Stuhr requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 23:

Bromm	Elmer	Jensen	Robinson	Schrock
Coordsen	Engel	Jones	Schellpeper	Stuhr
Crosby	Fisher	Matzke	Schimek	Wehrbein
Cudaback	Hudkins	Maurstad	Schmitt	Witek
Dierks	Janssen	Pirsch		

Voting in the negative, 21:

Abboud	Bohlke	Hillman	McKenzie	Warner
Avery	Brashear	Kristensen	Pedersen	Wesely
Bernard-Stevens	Brown	Landis	Preister	Wickersham
	Chambers	Lindsay	Robak	Will
Beutler	Hilgert			

Present and not voting, 3:

Hartnett	Vrtiska	Withem

Excused and not voting, 2:

Klein	Lynch

The Stuhr motion to overrule the Chair lost with 23 ayes, 21 nays, 3 present and not voting, and 2 excused and not voting.

The Chair was sustained.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 1186. Placed on General File.

LEGISLATIVE BILL 1202. Placed on General File as amended.
Standing Committee amendment to LB 1202:
AM3333

1. On page 2, line 10, strike "sewers", show as stricken, and insert "sewer"; and in line 11 strike "public" and insert "water".

LEGISLATIVE BILL 1311. Placed on General File as amended.
Standing Committee amendment to LB 1311:
AM3331

1. Strike the original sections and insert the following new sections:

"Section 1. Section 14-554, Reissue Revised Statutes of Nebraska, is amended to read:

14-554. (1) The county in which any city of the metropolitan class is located shall receive as full compensation for collection and disbursement of all funds of such city an amount equal to one percent of all money collected from taxation. Such fee shall be paid monthly out of the general funds of the city.

(2) Such county shall receive as full compensation for the collection and disbursement of all money from taxation and pursuant to section 77-3523 coming to the board of education an amount equal to one percent thereof, to be paid out of the general fund. ~~, less the sum of one thousand dollars per annum, such sum to be payable in equal monthly installments to the county treasurer as salary for services as ex officio treasurer of the board of education.~~

(3) Such county shall receive as full compensation for the collection and disbursement of the funds of the metropolitan utilities district an amount equal to one percent of all money collected by the county treasurer.

(4) The county treasurer, as ex officio city treasurer, shall receive as additional salary and compensation for the performance of his or her duty as such officer the sum of one thousand dollars per annum from the city to be payable quarterly from the funds of the city.

Sec. 2. Section 23-1601, Revised Statutes Supplement, 1995, is amended to read:

23-1601. (1) It is the duty of the county treasurer to receive all money belonging to the county, from whatsoever source derived, and all other money which is by law directed to be paid to him or her. All money received by the county treasurer for the use of the county shall be paid out by him or her only on warrants issued by the county board according to law, except when special provision for payment of county money is otherwise made by law.

(2) The county treasurer shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession, as provided in sections 23-346 to 23-350.

(3) The county treasurer, at the direction of the city or village, shall invest the bond fund money collected for each city or village located within each county. The bond fund money shall be invested by the county treasurer and any investment income shall accrue to the bond fund. The county treasurer shall notify the city or village when the bonds have been retired.

(4) On or before the fifteenth day of each month, the county treasurer (a) shall pay to each city or village and school district located within the county the amount of all funds collected or received for the city or village and school district the previous calendar month, including bond fund money when requested by any city of the first class under section 16-731, and (b) on forms provided by the Auditor of Public Accounts, shall include with payment a statement indicating the source of all such funds received or collected and an accounting of any expense incurred in the collection of ad valorem taxes, except that the Auditor of Public Accounts shall, upon request of a county, approve the use and reproduction of a county's general ledger or other existing forms if such ledger or other forms clearly indicate the sources of all funds received or collected and an accounting of any expenses incurred in the collection of ad valorem taxes.

(5) Notwithstanding subsection (4) of this section, the county treasurer of any county in which a city of the metropolitan class or a Class V school district is located shall pay to the city of the metropolitan class and to the Class V school district on a weekly basis the amount of all current year funds as they become available for the city or the school district.

Sec. 3. Section 79-1004, Reissue Revised Statutes of Nebraska, is amended to read:

79-1004. The members of the board of education at their regular meeting in January each year shall elect a president and vice president from their own members, who shall serve for terms of one year or until their successors are elected and qualified. They may also select from outside their own members one superintendent of public schools, one secretary, one treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms of not to exceed three years. The board shall have the power to elect its president and vice president and to select its officers and employees in accordance with rules adopted by the board.

Sec. 4. Section 79-1004.04, Reissue Revised Statutes of Nebraska, is amended to read:

79-1004.04. The treasurer of the school district shall receive all taxes of the school district from the county treasurer. The treasurer ~~county in which such city is located shall be ex officio treasurer of the board of education. He shall collect all taxes of the school district and his powers with respect thereto shall be the same as his powers with respect to the collection of county taxes. He~~ shall attend all meetings of the board when required to do so, shall prepare and submit in writing a monthly report of the state of its finances, and shall pay school money only upon a warrant signed by the president, or in ~~his~~ the president's absence by the vice president, and countersigned by the

secretary. ~~He shall~~ The treasurer shall also perform such other duties as designated by the board of education. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the treasurer shall, at the option of the board, either be covered by a fiduciary liability insurance policy with the school district as beneficiary in an amount designated by the board or give bond, payable to the board, ~~of education~~ in such amount as may be required of him or her by the board, ~~of education,~~ in no event to be less than two hundred thousand dollars conditioned for the faithful discharge of his or her duties as treasurer of the school district, for the safekeeping and proper disbursement of all funds and money of the school district ~~collected or~~ received by the treasurer. ~~him, and for all taxes not collected by him whenever such taxes or assessments remain uncollected by him by reason of any neglect of duty, want of diligence, or failure on his part to comply with the law relating to the collection thereof.~~ Such bond shall be signed by one or more surety companies of recognized responsibility, to be approved by the board. ~~of education.~~ The cost of the bond shall be paid by the school district. Such bond may be enlarged at any time the board ~~of education~~ may deem an enlargement or additional bond necessary.

Sec. 5. Section 79-1005, Reissue Revised Statutes of Nebraska, is amended to read:

79-1005. All accounts shall be audited by the secretary and approved by a committee to be styled the committee on claims. No expenditures greater than one thousand dollars shall be voted by the board, except in accordance with the provisions of a written contract, nor shall any money be appropriated out of the school fund except on a recorded affirmative vote of a majority of all the members of the board. All money belonging to the school district, in the hands of the county treasurer ~~as ex officio treasurer of the school district,~~ shall be accounted for and disbursed directly to the board of education in accordance with section 23-1601.

Sec. 6. Section 79-1040, Revised Statutes Supplement, 1995, is amended to read:

79-1040. The treasurer of the ~~county in which the~~ school district ~~is located~~ shall be ex officio treasurer of the system. The treasurer shall act as official custodian of the cash and securities belonging to the system, shall provide adequate safe deposit facilities for the preservation of such securities, and shall hold such cash and securities subject to the order of the board of education. The treasurer shall receive all items of taxes or cash belonging to the system, shall deposit in banks approved by the board of education all such amounts in a trust account secured by collateral in accordance with the depository law, and shall submit a monthly report to the board of all such transactions. Notwithstanding any limitations elsewhere imposed by statute on the location of the system's depository bank, such limitations shall

not apply to the use of a depository bank for the custody of international investments or other investments which require the use of a designated depository institution. The treasurer shall make payments for purposes specified in sections 79-1032 to 79-1060 upon warrants issued according to law by the board of education designated Retirement Fund, (corporate name of the school district as described in section 79-401), and signed by the president and secretary of the board of education. All banks and custodians which receive and hold securities and investments for the system may hold and evidence such securities by book entry account rather than obtaining and retaining the original certificate, indenture, or governing instrument for such security. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the treasurer shall, at the option of the board, either be covered by a fiduciary liability insurance policy with the school district as beneficiary in an amount designated by the board or ~~The treasurer shall~~ furnish a corporate surety bond payable to the school district and acceptable to the board in such amount as the board shall designate. The fiduciary liability insurance policy or bond shall be in addition to his or her bond as treasurer ~~ex officio~~ of the school district and the cost of the bond policy or shall be paid by the school district.

Sec. 7. This act becomes operative on September 1, 1996.

Sec. 8. Original sections 14-554, 79-1004, 79-1004.04, and 79-1005, Reissue Revised Statutes of Nebraska, and sections 23-1601 and 79-1040, Revised Statutes Supplement, 1995, are repealed.".

(Signed) D. Paul Hartnett, Chairperson

Revenue

LEGISLATIVE BILL 1068. Indefinitely postponed.
LEGISLATIVE BILL 1106. Indefinitely postponed.
LEGISLATIVE BILL 1324. Indefinitely postponed.

LEGISLATIVE RESOLUTION 285CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 286CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1188A. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1188,

Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 28, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cederberg, John E. - Lincoln	Limited Liability Company Association
	Triad Fastener L.P.
Dobras, Victor E. - St. Paul, MN	Sprint/United Tel-Midwest
Mumgaard, D. Milo - Lincoln	Western Nebraska Legal Services

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Jensen and Abboud asked unanimous consent to have their names added as cointroducers to LB 1039. No objections. So ordered.

MOTION - Place LB 943 on General File

Mrs. Stuhr moved to have LB 943 placed on General File pursuant to Rule 3, Section 17.

Laid over.

AMENDMENT - Print in Journal

Mr. Elmer filed the following amendment to LB 901:
FA478

Amend AM3071 as follows -

On page 7, line 4, after the word "Hour" add the following new language; "Except that the Department of Roads may, where design and traffic conditions allow, according to an engineering study, authorize a speed limit five miles per hour greater;"

VISITORS

Visitors to the Chamber were 50 Girl Scouts and sponsors from Prairie Hill Council of Nebraska; Senator Klein's wife, Sharon; and 24 fourth grade students and teacher from Sutton.

The Doctor of the Day was Robert Wall from Bellevue.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Stuhr, the Legislature adjourned until 9:00 a.m., Monday, March 4, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-SEVENTH DAY - MARCH 4, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 4, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Alvin Trucano, United Methodist Church, Table Rock, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Jones, Matzke, and Mrs. Brown who were excused; and Messrs. Bernard-Stevens, Brashear, Chambers, Engel, Landis, Lindsay, Schrock, Warner, Wickersham, Will, Mmes. Bohlke, Hillman, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

MESSAGES FROM THE GOVERNOR

February 29, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 949 was received in my office on February 26, 1996; and Legislative Bill 900 was received on February 27, 1996.

These bills were signed by me on February 29, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 1, 1996

Madam President, Mister Speaker
and Members of the Legislature
State Capitol Bldg.
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bill 584 was received in my office on February 26, 1996. I have signed the bill.

LB 584 contains a number of provisions, including one that creates an aquatic habitat fund which will be administered by the Nebraska Game and Parks Commission. Beginning in 1997, people wishing to fish in Nebraska will have to obtain an aquatic habitat stamp. Fees collected from the stamp will go into the Aquatic Habitat Fund.

Some time ago, I challenged the Game and Parks Commission to develop a plan that would make Nebraska the nation's number one state for hunting and fishing. In order to implement that plan, the Commission supported the creation of an Aquatic Habitat Fund. The fund will be used to pay for such things as installing fish barriers, constructing fish screens, dredging lakes, building sediment retention structures, repairing shorelines and other habitat improvements. I have been assured by the Commission that all of the money collected will go for habitat improvement projects and none of the funds will be spent on any of the Commission's administrative obligations.

LB 584 requires the Commission to submit a habitat plan to the Legislature prior to making any expenditures. Anglers across the state were asked to provide input and have been a major contributor in developing an overall strategy for a plan. Although the planning process is well underway, there is not yet a detailed blueprint for improving habitat in Nebraska. It is imperative that anglers continue to play a role in developing the specifics of a habitat plan. I have asked the Commission to work closely with my office to ensure a detailed and comprehensive plan that will result in improved, tangible fishing benefits.

Although I am disappointed that a detailed habitat plan does not yet exist, I am confident that the Aquatic Habitat Fund will result in improved and expanded fishing opportunities in the state. I remain committed to making Nebraska the number one state in the country for hunting and fishing.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EXPLANATION OF VOTE

Had I been present, I would have voted affirmatively for LB 939e on Friday, February 23, 1996.

(Signed) Ardyce Bohlke

ATTORNEY GENERAL'S OPINION

Opinion No. 96016

DATE: February 27, 1996

SUBJECT: LR 41CA - Effect of Abolishing the Public Service Commission as a Constitutional Body.

REQUESTED BY: Senator Chris Beutler
Nebraska State Legislature

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

You have requested our opinion regarding the effect of a pending legislative resolution (LR 41CA) which proposes to amend the Nebraska Constitution by eliminating all references to the Public Service Commission {the "Commission"}.[1] LR 41CA, if adopted, would remove references in the Constitution to the Commission, and would repeal Neb. Const. art. IV, § 20, the constitutional provision creating the Commission. Your question is whether, if LR 41CA is placed on the ballot and approved by the voters, the statutory authority of the Commission to operate will continue, or whether removal of the Commission from the Constitution will "effectively eliminate its authority to operate". You also ask whether rules and regulations which have been adopted by the Commission will remain operative if the resolution is adopted.

Article IV, § 20, of the Nebraska Constitution, currently provides:

There shall be a Public Service Commission, consisting of not less than three not more than seven members, as the Legislature shall

prescribe, whose 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. 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 the absence of specific legislation, the commission shall exercise the powers and perform the duties enumerated in this provision.

Commission authority over common carriers "is rooted in legislative, judicial, and electoral activities during the early 1900s." **State ex rel. Spire v. Northwestern Bell Tel. Co.,** 233 Neb. 262, 274, 445 N.W.2d 284, 292 (1989). "In the election of November 6, 1906, the forerunner of Neb. Const. art. IV, § 20, was added by amendment to the state Constitution, an amendment which created the 'State Railway Commission' with authority to regulate 'common carriers'." **Id.** at 274, 445 N.W.2d at 292-93. "Before the constitutional amendment establishing the {Commission}, the Legislature was the sole repository for control over" common carriers. **Id.** at 275, 445 N.W.2d at 293. "The constitutional amendments of 1906 and 1907 extended to the {Commission} the regulatory power which was previously exercisable only by the Legislature." **Id.**

Briefly stated, the railway commission {Commission} is created by section 20, article IV, of the Constitution. It is granted powers and duties which include the regulation of rates, service, and general control of common carriers as directed by the Legislature. In a field where the Legislature has not acted, the commission is authorized to exercise the powers and perform the duties enumerated in the constitutional provision. This means, of course, that the Legislature may properly enact specific legislation limiting the scope of the commission's powers.

Union Transfer Co. v. Bee Line Motor Freight, 150 Neb. 280, 283, 34 N.W.2d 363, 365 (1948). **See, also, Meyers v. Blair Tel. Co.,** 194 Neb. 55, 230 N.W.2d 190 (1975); **In re Lincoln Traction Co.,** 103 Neb. 229, 171 N.W. 192 (1919). "{U}nlike some public service commissions, the Nebraska Public Service Commission, in the different aspects of its constitutional functions, exercises legislative, administrative, and judicial powers." **Meyers v. Blair Tel. Co.,** 194 Neb. at 62, 230 N.W.2d at 196.[2] "Although the {Commission} is an independent regulatory body under the Nebraska Constitution, {Commission} jurisdiction to regulate common carriers may be restricted by the Legislature through 'specific legislation'." **State ex rel. Spire v. Northwestern Bell Tel. Co.,** 233 Neb. at 276, 445 N.W.2d at 293.

While the Constitution provides for the creation of the Commission, various legislative enactments further outline the scope of the Commission's regulatory powers. Neb. Rev. Stat. § 75-109 (Supp 1995) provides, that, "{e}xcept as provided in sections 19-4603, 86-803, and 86-808, the commission shall regulate and exercise general

control as provided by law over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce."[3] In addition to legislation in Chapter 75, Article 1, regarding the organization and composition of the Commission, its regulatory scope, and procedure, the Legislature has enacted statutes relating to the Commission's regulation of motor carriers (Chapter 75, Article 3), rail carriers (Chapter 75, Article 4), pipeline carriers (Chapter 75, Article 5), and telegraphs and telephones (Chapter 75, Article 6, and Chapter 86, Article 8). Also, while the Commission exercises constitutional authority in regulating common carriers, subject, of course, to specific legislative action, it exercises statutory authority in its regulation of contract carriers, transmission lines (Chapter 75, Article 7), grain dealers (Chapter 75, Article 9), water service (Chapter 75, Article 10), and grain warehouses (Chapter 88, Article 5). **See In re Complaint of Fecht,** 216 Neb. 535, 344 N.W.2d 636 (1984). (Commission jurisdiction over grain warehouses limited to functions specifically defined in statute, as grain warehouses not "common carriers").

LR 41CA would, if adopted, remove all references in the Constitution to the Commission, and would repeal art. IV, § 20, the constitutional provision creating the Commission. The Legislature has, as noted above, enacted numerous statutes outlining the powers and duties of the Commission in the regulation of common carriers, and the scope of Commission regulatory authority in other areas. If LR 41CA were approved by the voters, that would not, of course, operate to repeal or otherwise effect the statutory provisions relating to the Commission. While LR 41CA would eliminate the Commission as a constitutionally created body, it does not purport to remove all powers and duties of the Commission set forth in state statutes.

At present, however, there is no statute specifically providing for the creation of the Commission. This is so, of course, because the Commission is created by art. IV, § 20, of the Constitution, and its existence is therefore mandated by the Constitution. Thus, if LR 41CA is adopted, and the constitutional provision creating the Commission is eliminated, a question may arise regarding the continued authority of the Commission to operate pursuant to the numerous statutes setting forth its powers and duties, in the absence of any constitutional or statutory provision actually providing for its creation. Likewise, enactment of the amendment could also raise questions concerning the continued validity of rules and regulations adopted by the Commission, if the authority of the Commission to exist itself is not clear.

It appears that the intent of the amendment is to repeal the Commission's status as a constitutional body, thus providing the Legislature total authority to determine the scope of any regulatory power to be exercised by the Commission, or, if it chooses, allowing the Legislature to eliminate the Commission or transfer its duties and functions to other administrative officers or agencies. It is unclear what effect, if any, adoption of the amendment may have on the

Commission's continued authority to operate under existing statutes outlining the Commission's powers and duties in the regulation of common carriers or other areas which are currently subject to regulation by the Commission. The ballot language for submission of the amendment does not specifically express an intent to abolish the Commission immediately if approved, but, rather, only states that it would "remove references to the Public Service Commission and the Railway Commission" from the Constitution. This seems to imply that it is intended that the Commission would continue to operate under the authority provided by statute if the amendment is approved, subject, of course, to future legislative determinations regarding its continued existence or the scope of its duties. If that, in fact, is the intention of the Legislature, perhaps amendatory language should be considered which would clearly manifest such intent. It may also be advisable for the Legislature to consider enacting a statute specifically providing for the creation of the Commission to exercise those powers and duties currently set forth by statute. While we believe that the Commission would retain its authority to enact pursuant to existing statutes if the amendment were adopted (subject, or course, to future legislative changes), some clarification of the Legislature's intent in this regard would be advisable.[4]

[1] The resolution would also remove references in the Constitution to the "Railway Commission", the name by which the Commission was known before its designation as the Public Service Commission.

[2] In many states, public service commissions are wholly creatures of statutory origin, and, as such, exercise only those powers expressly granted by the legislature. **See, e.g., United Tel. Co. of Florida v. Public Service Comm'n.,** 496 So. 2d 116 (Fla. 1986); **Maine Public Service Co. v. Public Utilities Comm'n.,** 524 A.2d 1222 (1987); **Alpert v. Boise Water Corp.,** 118 Idaho 136, 795 P.2d 298 (1990).

[3] In **Meyer v. Blair Tel. Co.,** the Nebraska Supreme Court, discussing a prior version of this statute, noted that it "essentially" was "merely a reiteration of the constitutional provision {art. IV, § 20}." 194 Neb. at 58, 230 N.W.2d at 194.

[4] We note that, at one time, a statute existed providing that agencies, boards, and commissions would, upon termination, "continue in existence until July 1 of the next succeeding year for the purpose of concluding {their} affairs." Neb. Rev. Stat. § 81-199 (Cum. Supp. 1984). That statute, however, was repealed in 1986. 1986 Neb. Laws, LB 745, § 1.

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

Assistant Attorney General

7-51-7.1
cc: Patrick J. O'Donnell
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

February 27, 1996

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:
Margaret Cavanaugh-Boyer, M.D., 207 West 4th Street, Mullen, NE 69152
Michael Stickler, 145 Memorial Drive, Broken Bow, NE 68822

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

AMENDMENT - Print in Journal

Mr. Warner filed the following amendment to LB 694A:
AM3171

1. Insert the following new sections:

"Sec. 2. Original Laws 1995, LB 325A, section 117, is amended to read:

Sec. 117. AGENCY NO. 58 -- BOARD OF DESIGN PROFESSIONS ~~EXAMINERS FOR PROFESSIONAL ENGINEERS AND ARCHITECTS~~

Program No. 82 - Enforcement of Standards ~~--Engineers and Architects~~

	FY1995-96	FY1996-97
CASH FUND	1,154	1,154
PROGRAM TOTAL	1,154	1,154

Sec. 3. Original Laws 1995, LB 325A, section 147, is amended to read:

Sec. 147. AGENCY NO. 73 -- STATE BOARD OF LANDSCAPE

ARCHITECTS
Program No. 597 - State Board of Landscape Architects

	FY1995-96	FY1996-97
CASH FUND	198	198
PROGRAM TOTAL	198	198

Any unobligated appropriation and salary limit on the operative date of this act shall be transferred to Agency 58.".

2. On page 12, line 9, after "Original" insert "Laws 1995, LB 325A, sections 117 and 147,".

3. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1039A. 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 1039, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

LEGISLATIVE BILL 1248A. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1248, Ninety-fourth Legislature, Second Session, 1996; to provide for a transfer of funds; and to declare an emergency.

REPORTS

The following reports were received by the Legislature:

Labor, Department of
State Labor Area Summary for January 1996

Law Enforcement and Criminal Justice, Nebraska Commission on
Annual Report

Rural Development Commission, Nebraska
Annual Report

GENERAL FILE

LEGISLATIVE BILL 1322. The Maurstad pending amendment, FA472, found in the Journal on page 977 and considered on page 981, was renewed.

Mr. Maurstad moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Maurstad requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Avery	Engel	Lynch	Schellpeper	Vrtiska
Brashear	Fisher	Maurstad	Schmitt	Warner
Coordsen	Hudkins	Pirsch	Schrock	Wehrbein
Dierks	Kristensen	Robinson	Stuhr	Witek
Elmer				

Voting in the negative, 9:

Beutler	Janssen	Landis	Schimek	Withem
Bromm	Klein	Robak	Wesely	

Present and not voting, 9:

Bohlke	Cudaback	Hilgert	Jensen	Preister
Crosby	Hartnett	Hillman	Pedersen	

Excused and not voting, 10:

Abboud	Brown	Jones	Matzke	Wickersham
Bernard-Stevens	Chambers	Lindsay	McKenzie	Will

The Maurstad amendment lost with 21 ayes, 9 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

PRESIDENT ROBAK PRESIDING

Mr. Maurstad withdrew his amendments, FA473 and FA474, found in the Journal on page 977.

Mr. Cudaback offered the following amendment:
FA476
Add to Pg 7 line 16, after "members":
", who shall be drawn from across the State of Nebraska."

The Cudaback amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
AM3453

1. Insert the following new section:
"Sec. 11. For purposes of the Nebraska Affordable Housing Act:
(1) Affordable housing means housing which is affordable for low-income persons or families; and
(2) Low-income means income at or below one hundred fifty percent of the current amount determined and published periodically by the federal government as the national poverty income level without regard to other resources.".
2. On page 4, lines 10 and 12 and 13, strike "and very low-income"; and in line 23 strike "or very low-income".

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

Mr. Wesely offered the following amendment to the Beutler pending amendment:
FA479

Strike the Beutler Amendment &
1. Insert the following new section:
"Sec. 11. For purposes of the Nebraska Affordable Housing Act:
(1) Affordable housing means housing which is affordable for low-income persons or families;
(2) Low-income means income at or below eighty percent of the median county income; and
(3) Very low-income means income at or below one hundred fifty percent of the current amount determined and published periodically by the federal government as the national poverty income level without regard to other resources.".

For purposes of this act very low-income persons shall be given first priority for assistance.

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Ms. Schimek 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, 3 nays, and 21 not voting.

Mr. Wesely requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Bohlke	Cudaback	Hilgert	Janssen	Kristensen
Brashear	Engel	Hillman	Jensen	Landis
Bromm	Hartnett	Hudkins	Klein	McKenzie

Robak	Schellpeper	Stuhr	Wehrbein	Wesely
Robinson	Schimek			

Voting in the negative, 15:

Avery	Chambers	Dierks	Maurstad	Vrtiska
Bernard-Stevens	Coordsen	Elmer	Pedersen	Warner
Beutler	Crosby	Lindsay	Pirsch	Witek

Present and not voting, 4:

Preister	Schmitt	Schrock	Withem

Absent and not voting, 1:

Fisher

Excused and not voting, 7:

Abboud	Jones	Matzke	Wickersham	Will
Brown	Lynch			

The Wesely amendment lost with 22 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Cudaback and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to his pending amendment:
FA480
Amend the Beutler amendment as follows:
on line 9, page 1
strike "without regard to other resources"

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Ms. Schimek 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, AM3453, as amended, lost with 8 ayes, 15 nays, 17 present and not voting, and 9 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Beutler offered the following amendment:
AM3454

1 1. On page 3, line 9, after "fund" insert "and to
2 recommend a plan to coordinate low-income housing efforts
3 throughout the state".

The Beutler amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM3460

1 1. On page 4, line 16, after "organizations" insert
2 "involved in the creation of affordable housing".

The Beutler amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM3461

1 1. On page 4, line 25, after "making" insert
2 "affordable".

The Beutler amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM3455

1 1. On page 6, line 20, after the period insert "The
2 department shall monitor programs to see that only qualified
3 individuals and families are occupying projects funded by the
4 Affordable Housing Trust Fund.".

Mmes. Robak and McKenzie 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 8 ayes, 0 nays, and 41 not voting.

The Beutler 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. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 26 ayes, 9 nays, 4 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 328. Introduced by Schellpeper, 18; Pedersen, 39; Avery, 3; Janssen, 15; Abboud, 12; Pirsch, 10; Robak, 22; Jones, 43; Witek, 31; Hudkins, 21; Dierks, 40; Jensen, 20; Schmitt, 41; Elmer, 44; Vrtiska, 1; Coordsen, 32.

PURPOSE: General concern about the increase of violent crime in Nebraska has prompted discussion as to whether or not Nebraska residents should be allowed to make a personal decision to carry a concealed handgun for personal safety and protection reasons. LB 1347, the Right to Carry A Concealed Handgun License Act, was introduced during the 1996 legislative session to permit the concealed carrying of a handgun by applicants who pass a state and federal criminal background check and complete a handgun safety and training course. It was determined at the time of committee hearing that there is significant support for legislation that would permit concealed handgun licensing to qualified applicants. It was also determined that further study is needed to draft legislation to meet the needs of the public as well as address law enforcement concerns. The purpose of this resolution is to study the issues associated with the enactment of concealed-carry license legislation in other states and issues specific to Nebraska related to concealed-carry license legislation. The study shall include, but not be limited to, the following issues:

(1) Eligibility requirements of each state with concealed-carry license laws;

(2) Revocation processes of each state with concealed-carry license laws;

(3) Fines and penalties for violations of concealed-carry licenses in other states;

(4) Handgun safety training programs available to prospective applicants in Nebraska;

(5) Fee amounts required for application and renewal of a concealed-carry license to ensure coverage of all costs included in the application and licensing process; and

(6) Number of handgun permits currently issued in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1213A. 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 1213, Ninety-fourth Legislature, Second Session, 1996; and to state intent.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of Governor appointments.

Cavanaugh-Boyer, Margaret, M.D. - Rural Health Advisory Commission -- Health and Human Services

Stickler, Michael - Rural Health Advisory Commission -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Mr. Robinson filed the following amendment to LB 901:
AM3494
(Amendments to Standing Committee amendments, AM3071)

1. On page 7, line 1, strike "Fifty-five" and insert "Except as provided in subdivision (e) of this subsection, fifty-five,"; in line 5 after "(e)" insert "Fifty-five miles per hour upon Nebraska State Highway No. 133 between the cities of Blair and Omaha;
(f)"; and in line 7 strike "(f)" and insert "(g)".

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1368. Placed on General File as amended.
Standing Committee amendment to LB 1368:
AM3447

1. On page 4, strike lines 13 through 19.

LEGISLATIVE BILL 1294. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 1022. Indefinitely postponed.
LEGISLATIVE BILL 1101. Indefinitely postponed.
LEGISLATIVE BILL 1344. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

Urban Affairs

LEGISLATIVE BILL 1318. Placed on General File.
LEGISLATIVE BILL 1354. Placed on General File.

LEGISLATIVE BILL 995. Indefinitely postponed.
LEGISLATIVE BILL 1159. Indefinitely postponed.
LEGISLATIVE BILL 1165. Indefinitely postponed.
LEGISLATIVE BILL 1359. Indefinitely postponed.
LEGISLATIVE BILL 1360. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 464, 532, 689, 934, 966, 969, 974, 984, and 1036.

Enrollment and Review Change to LB 464

The following changes, required to be reported for publication in the Journal, have been made:
ER9122

1. On page 1, the matter beginning with "23-186" in line 1 through "1994" in line 3 has been struck and "37-1215, 37-1217 to 37-1219, 37-1223, and 37-1227, Reissue Revised Statutes of Nebraska, sections 37-1216, 37-1226, 37-1275 to 37-1280, 37-1282 to 37-1286, 37-1288, 37-1289, and 37-1291, Revised Statutes Supplement, 1994, and sections 23-186, 37-1214, and 37-1287, Revised Statutes Supplement, 1995" inserted.

Enrollment and Review Change to LB 689

The following changes, required to be reported for publication in the Journal, have been made:
ER9120

1. In the Landis amendment, AM3125, on page 1, line 8, "director" has been struck and "Director of Insurance" inserted.

2. On page 1, line 1, "section" has been struck and "sections 44-325, 44-2132, and" inserted; in line 3 "to define a term; to require notice;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 966

The following changes, required to be reported for publication in the Journal, have been made:
ER9129

1. On page 1, line 6, "2-4721, 2-4723 to" has been inserted after "to"; and in line 8 "and" has been struck.

2. On page 1, line 9; and page 2, line 5, ", and section 2-4722, Reissue Revised Statutes of Nebraska, as amended by section 1014, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995".

3. On page 2, line 2, "2-4721, 2-4723 to" has been inserted after the last "to"; and in line 4 "and" has been struck.

Enrollment and Review Change to LB 974

The following changes, required to be reported for publication in the Journal, have been made:
ER9119

1. On page 1, line 1, "section" has been struck and "sections 60-488 and" inserted; in line 2 "to change provisions relating to an exemption from motor vehicle operator's license requirements;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1036

The following changes, required to be reported for publication in the Journal, have been made:
ER9126

1. On page 11, lines 10 and 12, the comma has been struck.

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were 44 fourth grade students and sponsors from Lincoln Christian School, Lincoln; 20 students and teacher from Wilcox High School; and 50 fifth grade students and teachers from Clarkson Elementary, Fremont.

RECESS

At 11:58 a.m., on a motion by Mr. Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Brown, Messrs. Jones, and Matzke who were excused; and Messrs. Abboud, Avery, Bernard-Stevens, Cudaback, Dierks, Engel, Kristensen, Landis, Pedersen, Robinson, Schellpeper, Schrock, Will, Mmes. Bohlke, Pirsch, and Witek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 952. Title read. Considered.

Mr. Withem withdrew his pending motion, found in the Journal on page 816, to bracket LB 952 until June 4, 1996.

Mr. Maurstad renewed his pending amendment, AM3161, found in the Journal on page 809.

Messrs. Lynch, Coordsen, Avery, Preister, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

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

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 329. Introduced by Engel, 17.

WHEREAS, the South Sioux City Lady Cardinals basketball team won the 1996 Class B State Girls' Basketball championship, have won 41 games in a row, are the holders of back-to-back state titles, and are ranked in the USA TODAY top 25; and

WHEREAS, throughout the year the South Sioux City Lady Cardinals have complemented their talents with the characteristics of sportsmanship, determination, and diligence; and

WHEREAS, the team members attained the championship through personal dedication, commitment to excellence, and discipline; and

WHEREAS, such team achievement is made possible not only by individual members' performance and coaching guidance, but also through the support of teachers, administrators, and parents.

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

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and the coaches, parents, and supporters.

2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals basketball team head coach, Kelly Flynn.

Laid over.

LEGISLATIVE RESOLUTION 330. Introduced by Dierks, 40.

WHEREAS, the Chambers Lady Coyotes won the 1996 Nebraska Class D-2 Girls' State Basketball Championship to earn their third consecutive state title; and

WHEREAS, the Chambers Lady Coyotes victory over Wallace in the championship game capped a perfect 26-0 season and a second consecutive perfect season; and

WHEREAS, a member of the Chambers Lady Coyotes girls' basketball squad, Darcy Stracke, finished her career with 2,752 total points establishing a new Nebraska all-state career scoring record for both men's and women's high school basketball; and

WHEREAS, the Chambers Lady Coyotes exemplify the spirit of competition and the pursuit of excellence.

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

1. That the Legislature congratulates the Chambers Lady Coyotes and their coach, John Miller, for their outstanding accomplishment.

2. That a copy of this resolution be sent to Chambers High School.

Laid over.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 952:
AM3467

1. On page 2, lines 17 and 21; and page 4, lines 1 and 5, strike "economic".

Mr. Beutler filed the following amendment to LB 952:
AM3468

1. On page 2, line 23; and page 4, line 7, before

"collateral" insert "the following" and strike the underscored comma and insert an underscored colon.

2. On page 2, line 24; and page 4, line 8, strike "including, but not limited to, amounts" and insert "Amounts".

Mr. Maurstad filed the following amendment to LB 952:
AM3451

1. Insert the following new section:

"Sec. 2. Section 29-211, Reissue Revised Statutes of Nebraska, is amended to read:

29-211. (1) Each law enforcement agency within the State of Nebraska shall adopt and implement a written policy regarding the pursuit of motor vehicles. Such policy shall contain at least the following elements:

(a) ~~(1)~~ Standards which describe when a pursuit may be initiated, taking into consideration the nature and severity of the offense involved;

(b) ~~(2)~~ Standards which describe when a pursuit is to be discontinued, giving special attention to ~~(a)~~ (i) the degree of danger presented to the general public and the pursuing officer and ~~(b)~~ (ii) the probability of later apprehension of the subject based upon his or her identification;

(c) ~~(3)~~ Procedures governing the operation of pursuits including, but not limited to, the number and types of vehicles which may be used, the method of operation of such vehicles, and the exercise of supervision during pursuits;

(d) ~~(4)~~ Procedures governing pursuits which include other law enforcement agencies or which extend into the jurisdiction of other law enforcement agencies; and

(e) ~~(5)~~ A system of mandatory continued planning and review of training of personnel appropriate and consistent with the policies and jurisdiction of the law enforcement agency regarding the proper handling of pursuits including, at a minimum, an annual review of the policy with each sworn law enforcement officer and dispatcher.

(2) It shall be the responsibility of each law enforcement agency within the State of Nebraska to ensure that all law enforcement officers who commence employment with such law enforcement agency receive specialized training in pursuit driving at the Nebraska Law Enforcement Training Center or at an equivalent training program approved by the Nebraska Police Standards Advisory Council.".

2. On page 4, line 24, after "13-911" insert ", 29-211,".

3. Renumber the remaining sections accordingly.

Mr. Lindsay filed the following amendment to LB 952:
AM3476

1. On page 2, line 4, strike "negligent"; strike

beginning with "and" in line 16 through "economic" in line 17 and insert ", the"; in line 21 strike "economic"; in line 23 strike "collateral"; in line 24 strike "including, but not limited to,"; and in lines 26 and 27 and 28 strike "or privately".

2. On page 3, line 17, strike "negligent"; and strike line 28 and insert ", the".

3. On page 4, strike "officer, the economic"; in line 5 strike "economic"; in line 7 strike "collateral"; in line 8 strike "including, but not limited to,"; and in lines 10 and 11 and 12 strike "or privately".

Mr. Lindsay filed the following amendment to LB 952:
AM3441

1. On page 2, strike lines 13 through 28.

2. On page 3, strike lines 1 and 25 through 28; in line 2 strike "(4)" and insert "(2)"; and in line 5 strike "(5)" and insert "(3)".

3. On page 4, strike lines 1 through 13; in line 14 strike "(4)" and insert "(2)"; and in line 16 strike "(5)" and insert "(3)".

Mr. Lindsay filed the following amendment to LB 952:
AM3440

1. On page 2, line 17; and page 4, line 1, strike "economic".

Mr. Lindsay filed the following amendment to LB 952:
AM3436

1. On page 2, strike lines 21 through 28.

2. On page 3, strike line 1; in line 2, strike "(4)" and insert "(3)"; and in line 5 strike "(5)" and insert "(4)".

3. On page 4, strike lines 5 through 13; in line 14 strike "(4)" and insert "(3)"; and in line 16 strike "(5)" and insert "(4)".

Mr. Lindsay filed the following amendment to LB 952:
AM3480

1. Insert the following new sections:

"Sec. 2. A political subdivision, if paying damages under section 13-911, shall be entitled to recover from the fleeing driver any amounts paid.

Sec. 4. The state, if paying damages under section 81-8,215.01, shall be entitled to recover from the fleeing driver any amounts paid.".

2. On page 2, line 9; and page 3, line 21 strike "the fleeing driver, the vehicle owner," and insert "the vehicle owner".

3. Renumber the remaining sections accordingly.

Mr. Lindsay filed the following amendment to LB 952:

AM3477

1. Insert the following new section:
"Sec. 4. The following section is outright repealed:
Section 13-926, Reissue Revised Statutes of Nebraska.".
2. Renumber the remaining section accordingly.

Mr. Lindsay filed the following amendment to LB 952:
AM3479

1. Insert the following new section:
"Sec. 2. Section 13-926, Reissue Revised Statutes of Nebraska, is amended to read:
13-926. The total amount recoverable under the Political Subdivisions Tort Claims Act for claims arising out of an occurrence after November 16, 1985, shall be limited to:
(1) ~~One~~ Three million dollars for any person for any number of claims arising out of a single occurrence; and
(2) ~~Five~~ Fifteen million dollars for all claims arising out of a single occurrence.".
2. On page 4, line 24, after "13-911" insert ", 13-926,".
3. Renumber the remaining sections accordingly.

Mr. Bernard-Stevens filed the following amendment to LB 754:
AM3336

(Amendments to E & R amendments, AM7202)
1. On page 3, strike beginning with "the" in line 8 through "and" in line 11 and insert "a final"; and in line 15 after the last period insert "For purposes of this section, a determination is final upon issuance of a final decision on appeal or upon expiration of the time in which the applicant may request a hearing without such hearing being requested.".

GENERAL FILE

LEGISLATIVE BILL 952. Mr. Lindsay offered the following amendment to the Maurstad pending amendment, AM3161:
FA481

Amend AM3161 by adding the following new language on page 2, lines 9 and 10; and page 3, line 21, strike "the fleeing driver"

Messrs. Dierks, Avery, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved to bracket LB 952 until April 15, 1996.

PRESIDENT ROBAK PRESIDING

Mr. Maurstad offered the following amendment to the Chambers motion to bracket:

To bracket LB 952 to 3/18/96.

The Chair ruled the Maurstad amendment out of order, because a motion to bracket to a date certain cannot be amended.

Mr. Schrock 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 21 ayes, 0 nays, and 28 not voting.

Mr. Maurstad requested a roll call vote on the Chambers motion to bracket.

Voting in the affirmative, 22:

Abboud	Crosby	Janssen	McKenzie	Wesely
Beutler	Fisher	Klein	Preister	Wickersham
Bohlke	Hartnett	Landis	Robak	Will
Brashear	Hilgert	Lindsay	Schimek	Withem
Chambers	Hudkins			

Voting in the negative, 9:

Jensen	Maurstad	Robinson	Warner	Witek
Kristensen	Pirsch	Stuhr	Wehrbein	

Present and not voting, 7:

Bernard-Stevens	Elmer	Pedersen	Schmitt	Vrtiska
	Engel	Schellpeper		

Excused and not voting, 11:

Avery	Coordsen	Dierks	Jones	Matzke
Bromm	Cudaback	Hillman	Lynch	Schrock
Brown				

The Chambers motion to bracket lost with 22 ayes, 9 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad asked unanimous consent to bracket LB 952 to March 18, 1996. No objections. So ordered.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 1044:
FA482

On page 36, line 13, by striking "thirty" and inserting "fifteen"

Mrs. Witek filed the following amendment to LB 1044:
FA483

On page 4, line 17, strike "and" and show as stricken and in line 20 after "Legislature" insert "; (6) A plan to reduce operation costs as a result of combining the agencies involved"

Mrs. Witek filed the following amendment to LB 1044:
AM3395

1. Strike section 50.
2. On page 8, strike beginning with "The" in line 20 through line 21.
3. Renumber the remaining sections and correct internal references accordingly.
4. In the E & R amendment, AM7206, on page 8, strike beginning with the second "in" in line 14 through the semicolon in line 15.

Mrs. Bohlke, Messrs. Hilgert, and Bernard-Stevens filed the following amendment to LB 754:
AM3238

(Amendments to E & R amendment, AM7202)

1. On page 2, lines 10 and 11, strike "obtained pursuant to section 2 of this act" and insert "subject to federal confidentiality requirements"; in line 14 after "permit" insert "by the Commissioner of Education" and strike "such" and insert "an administrative"; and strike beginning with "granted" in line 16 through "record" in line 17 and insert "subject to sections 84-1408 to 84-1414".

Mr. Will filed the following amendment to LB 1230:
AM3435

1. Insert the following new section:

"Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is amended to read:

48-151. Throughout the Nebraska Workers' Compensation Act, the following words and phrases shall be considered to have the following meaning, respectively, unless the context clearly indicates a different meaning in the construction used:

(1) The term physician shall include surgeon and in either case shall mean one legally authorized to practice his or her profession within the State of Nebraska and who is in good standing in his or her profession at the time;

(2) The word accident shall be construed to mean an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant shall have a burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There shall be no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) The term occupational disease shall mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment, including cumulative trauma, and shall exclude all ordinary diseases of life to which the general public is exposed;

(4) The terms injury and personal injuries shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The terms shall include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms shall include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms shall not be construed to include disability or death due to natural causes but occurring while the employee is at work, nor to mean an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, shall mean only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared not to cover workers except while engaged in, on, or about the premises where their duties are being performed or where their service requires their presence as a part of such service at the time of the injury and during the hours of service as such workers, and not to cover workers who on their own initiative leave their line of duty or hours of employment for purposes of their own;

(7) Willful negligence shall consist of (a) a deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent;

(8) Intoxication shall include, but not be limited to, being under the influence of a controlled substance not prescribed by a physician; and

(9) Whenever in the Nebraska Workers' Compensation Act

the singular is used, the plural shall be included; when the masculine gender is used, the feminine shall be included.".

2. On page 3, line 28, strike "section 48-144.03" and insert "sections 48-144.03 and 48-151".

3. On page 4, line 1, strike "is" and insert "are".

4. Renumber the remaining section accordingly.

Mr. Lindsay filed the following amendment to LB 952:
AM3483

1. On page 2, line 4; and page 3, line 17, strike "negligent".

Mr. Lindsay filed the following amendment to LB 952:
AM3485

1. On page 2, strike lines 21 through 28.

2. On page 3, strike line 1; in line 2 strike "(4)" and insert "(3)"; and in line 5 strike "(5)" and insert "(4)".

3. On page 4, strike lines 5 through 13; in line 14 strike "(4)" and insert "(3)"; and in line 16 strike "(5)" and insert "(4)".

Mr. Lindsay filed the following amendment to LB 952:
AM3486

1. On page 2, line 4; and page 3, line 17, strike "negligent".

2. On page 2, lines 9 and 10; and page 3, line 21, strike "the fleeing driver, the vehicle owner," and insert "the vehicle owner".

3. On page 2, strike lines 21 through 28.

4. On page 3, strike line 1; in line 2 strike "(4)" and insert "(3)"; and in line 5 strike "(5)" and insert "(4)".

5. On page 4, strike lines 5 through 13; in line 14 strike "(4)" and insert "(3)"; and in line 16 strike "(5)" and insert "(4)".

Mr. Will filed the following amendment to LB 952:
AM3482

1. Insert the following new section:

"Sec. 4. The following sections are outright repealed:
Sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska.".

2. Renumber the remaining section accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 331. Introduced by Witek, 31; Jensen, 20; Avery, 3; Brashear, 4; Pedersen, 39; Abboud, 12.

WHEREAS, the Millard South Indians girls' basketball team won the 1996 Nebraska Class A Girls' State Basketball Championship; and

WHEREAS, the Millard South Indians have a 22-3 record for the past year; and

WHEREAS, the accomplishments of the Millard South Indians girls' basketball team deserve special recognition.

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

1. That the Legislature recognizes and congratulates the Millard South Indians girls' basketball team and the parents and supporters.

2. That a copy of this resolution be sent to the Millard South Indians girls' basketball team and Coach Rich Olson.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 901. Title read. Considered.

Standing Committee amendment, AM3071, printed separately and referred to on page 780, was considered.

SPEAKER WITHEM PRESIDING

Mr. Elmer renewed his pending amendment, FA470, found in the Journal on page 976, to the Standing Committee amendment.

Mr. Elmer withdrew his amendment.

Mr. Chambers renewed his pending amendment, FA471, found in the Journal on page 976, to the Standing Committee amendment.

Messrs. Robinson and Lindsay asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Mrs. Bohlke and Mr. Bernard-Stevens filed the following amendment to LB 754:

AM3498

(Amendments to E & R amendments, AM7202)

1. On page 2, line 6, after "(3)" insert "whether the act resulting in the conviction would constitute a crime in Nebraska, (4)"; in line 7 strike "(4)" and insert "(5)" and strike "(5)" and insert "(6)".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Fisher asked unanimous consent to have his name added as cointroducer to LB 1039. No objections. So ordered.

VISITOR

Visitor to the Chamber was Dr. Louis Kleager from Scottsbluff.

ADJOURNMENT

At 5:07 p.m., on a motion by Mr. Klein, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-EIGHTH DAY - MARCH 5, 1996

LEGISLATIVE JOURNAL

THIRTY-EIGHTH DAY - MARCH 5, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Randall Dugger, First Assembly of God Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Bernard-Stevens, Brashear, Chambers, Cudaback, Hilgert, Kristensen, Landis, Lindsay, Lynch, Robinson, Schrock, Warner, Wickersham, Mmes. Bohlke, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

SELECT FILE

LEGISLATIVE BILL 1044. E & R amendment, AM7206, printed separately and referred to on page 864, was adopted.

Messrs. Wehrbein, Maurstad, Engel, Lynch, Brashear, Schrock, Mmes. Hillman, Crosby, and Brown renewed their pending amendment, AM3307, found in the Journal on page 932.

The Wehrbein et al. amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Messrs. Wesely and Withem renewed their pending amendment, AM3346, found in the Journal on page 933.

The Wesely-Withem amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

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

Mrs. Witek renewed her pending amendment, FA482, found in the Journal on page 1021.

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

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 15:

Avery	Fisher	Jensen	Pedersen	Schrock
Beutler	Hilgert	Kristensen	Pirsch	Stuhr
Bromm	Hudkins	Maurstad	Schmitt	Witek

Voting in the negative, 16:

Bernard-Stevens	Crosby	Klein	Robinson	Wesely
	Elmer	Landis	Warner	Will
Bohlke	Engel	Lynch	Wehrbein	Withem
Brown	Janssen			

Present and not voting, 13:

Brashear	Dierks	Jones	Robak	Schimek
Coordsen	Hartnett	McKenzie	Schellpeper	Vrtiska
Cudaback	Hillman	Preister		

Excused and not voting, 5:

Abboud	Chambers	Lindsay	Matzke	Wickersham

The Witek amendment lost with 15 ayes, 16 nays, 13 present and not voting, and 5 excused and not voting.

Pending.

Mr. Coordsen 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 1264A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1264, Ninety-fourth Legislature, Second Session, 1996; and to provide for transfers.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 980. Indefinitely postponed.

LEGISLATIVE RESOLUTION 312CA. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 921, 962, 1007, 1038, 1039, 1040, 1041, and 1122.

Enrollment and Review Change to LB 962

The following changes, required to be reported for publication in the Journal, have been made:
ER9127

1. On page 2, line 14, the stricken comma has been reinstated.

Enrollment and Review Change to LB 1038

The following changes, required to be reported for publication in the Journal, have been made:
ER9121

1. On page 1, line 3, "section" has been struck and "sections 77-5004 and" inserted; and in line 6 "to grant employee status to commissioners as prescribed;" has been inserted after the semicolon.

2. On page 2, line 15, "on or before the twenty-fifth day of each month and at such other times as the State Treasurer requires" has been inserted before "for"; and the matter beginning with "on" in line 16 through "requires" in line 18 has been struck.

3. On page 3, line 14, "or section 662, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "79-3809".

Enrollment and Review Change to LB 1039

The following changes, required to be reported for publication in the Journal, have been made:
ER9125

1. In lieu of the Warner amendment, FA464, the following sections have been inserted:

"Sec. 4. The changes made to sections 77-3504, 77-3517, and 77-3524 by this legislative bill apply to applications filed for 1996 and thereafter.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, "section" has been struck and "sections 77-3504 and" inserted; in line 3 "to redefine a term;" has been inserted after the semicolon; in line 5 "and" has been struck and "to provide for applicability of legislative changes;" inserted; and in line 6 "; and to declare an emergency" has been inserted before the period.

3. Section 3 has been renumbered as section 5.

Enrollment and Review Change to LB 1040

The following changes, required to be reported for publication in the Journal, have been made:
ER9128

1. On page 1, line 3, "appeal procedures" has been struck and "provisions relating to appeals" inserted.

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Messrs. Maurstad and Beutler filed the following amendment to LB 1322:
FA484

On page 3, line 1, strike "appropriations from the Legislature,"

Mr. Maurstad filed the following amendment to LB 1082:
AM3352

1. On page 2, line 4, after "of" insert "Indian"; in line 26 strike the comma and insert ":

(a) Indian housing authority has the same meaning as in 24 C.F.R. 955.103; and

(b)"; and in line 27 strike "if the tribe is".

Mr. Landis filed the following amendment to LB 1322:

(Amendment, AM3383, 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
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
Randolph Ferlic
Frances C. White
John Emery
Dr. Helen E. Morten

VOTE: Aye: Senators Bohlke, Warner, McKenzie, Bernard-Stevens, Janssen, and Wickersham. Nay: None. Absent: Senators Stuhr and Beutler.

(Signed) Ardyce Bohlke, Chairperson

SELECT FILE

LEGISLATIVE BILL 1044. Mrs. Witek renewed her pending amendment, FA483, found in the Journal on page 1021.

The Witek amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Witek renewed her pending amendment, AM3395, found in the Journal on page 1021.

Mr. Withem offered the following amendment to the Witek pending amendment:
FA485
Amend AM3395 to add "In addition, all meetings of two or more state senators, any gathering of two or more members of the Supreme Court, and any meeting held in the Governor's Office shall also comply with the open meetings law."

Mr. Withem withdrew his amendment.

Mrs. Witek requested a record vote on her amendment.

Voting in the affirmative, 2:

Pirsch Witek

Voting in the negative, 23:

Avery	Brown	Hillman	Robinson	Wehrbein
Bernard-Stevens	Crosby	Hudkins	Schimek	Wesely
Beutler	Elmer	Klein	Schmitt	Wickersham
Bohlke	Hartnett	Lynch	Vrtiska	Will
	Hilgert	Robak	Warner	

Present and not voting, 19:

Brashear	Engel	Jones	McKenzie	Schrock
Bromm	Fisher	Kristensen	Pedersen	Stuhr
Cudaback	Janssen	Landis	Preister	Withem
Dierks	Jensen	Maurstad	Schellpeper	

Excused and not voting, 5:

Abboud	Chambers	Coordsen	Lindsay	Matzke

The Witek amendment lost with 2 ayes, 23 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Dierks offered the following amendment:
AM3512

1. In the Standing Committee amendment, AM2978, on page 1, line 13, strike "and"; and in line 14 after "(6)" insert "Coordination and exchange among the departments of financial and programmatic information, including, but not limited to, medical records, client records, vital records, and other documents or data otherwise confidential; and
(7)".

2. On page 12 strike lines 5 through 12 and all amendments thereto; in line 13 strike "(10)" and insert "(9)"; and in line 15 strike "(11)" and insert "(10)".

3. On page 17, strike lines 20 through 26; and in line 27 strike "(10)" and insert "(9)".

4. On page 18, line 1, strike "(11)" and insert "(10)".

5. On page 23, strike lines 1 through 7 and all amendments thereto; in line 8 strike "(10)" and insert "(9)"; and in line 10 strike "(11)" and insert "(10)".

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

MRS. CROSBY PRESIDING

The Dierks amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens moved to bracket LB 1044 until March 11, 1996.

Mr. Bernard-Stevens withdrew his motion to bracket.

Mr. Beutler offered the following amendment:
AM3510
1. On page 3, line 4; page 4, line 8; page 5, line 20; page 8, lines 9 and 23; page 12, line 22; page 13, lines 14 and 23; page 14, lines 4 and 25; page 15, lines 4 and 11; page 18, line 8; page 19, lines 1, 11, and 21; page 20, lines 14, 21, and 28; page 23, line 17; page 24, lines 10 and 20; page 25, lines 2 and 24; and page 26, lines 3 and 10; strike "January" and insert "July".
2. On page 38, line 26, strike "January" and insert "July".
3. In the Standing Committee amendment, AM2978, on page 470, line 37, strike "January" and insert "July".

MR. COORDSEN PRESIDING

Mr. Lynch 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, 7 nays, and 17 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 18:

Abboud	Beutler	Fisher	Landis	Schrock
Avery	Chambers	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Coordsen	Jensen	Preister	Witek
	Crosby	Kristensen	Schellpeper	

Voting in the negative, 24:

Bohlke	Engel	Klein	Schimek	Wesely
Brown	Hartnett	Lindsay	Schmitt	Wickersham
Cudaback	Hilgert	Pedersen	Vrtiska	Will
Dierks	Hillman	Robak	Warner	Withem
Elmer	Janssen	Robinson	Wehrbein	

Present and not voting, 5:

Brashear	Bromm	Jones	McKenzie	Pirsch

Excused and not voting, 2:

Lynch Matzke

The Beutler amendment lost with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 332. Introduced by Robak, 22.

WHEREAS, Columbus Scotus Central Catholic High School claimed the Class C-1 girls' state basketball crown; and

WHEREAS, Scotus won the title by defeating top-seeded Battle Creek by a score of 44-33; and

WHEREAS, Scotus Coach John Petersen guided both the basketball and volley ball teams to state championships in the same school year for the first time in state history.

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

1. That the Legislature extend its congratulations and best wishes to Coach John Petersen and members of the team.

2. That a copy of this resolution be sent to John Petersen at Scotus Central Catholic High School.

Laid over.

AMENDMENTS - Print in Journal

Ms. Schimek and Mr. Beutler filed the following amendment to LB 1050:
AM3285

(Amendments to E & R amendments, AM7210)

1. On page 13, line 21, after "allowance" insert "not otherwise excluded from general fund operating expenditures and minus allowable costs for kindergarten through grade twelve special education as defined in section 79-3305 not otherwise excluded from general fund operating expenditures, including special education transportation expenditures".

2. On page 48, line 15; and page 58, line 14, after "products" insert ", the district's allowable costs for special education as defined in section 79-3305, including special education transportation expenditures,".

Mrs. Hillman, Ms. Schimek, Messrs. Wesely, and Klein filed the following amendment to LB 642:
AM3396

(Amendments to Final Reading copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-1302, Reissue Revised Statutes of Nebraska, is amended to read:

43-1302. (1) The State Foster Care Review Board shall be comprised of nine members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. At least one member shall be an attorney with legal expertise in child welfare. Two members shall be from each of the three congressional districts as they existed on January 1, 1982. In addition to the six members representative of the congressional districts, three members shall be appointed by the Governor from a group consisting of all the chairpersons of the local boards, and one such chairperson shall be appointed from each such congressional district. The appointment of a member of a local board to the state board shall not create a vacancy on the local board. Members other than those appointed from the group consisting of all the chairpersons of the local boards shall be appointed to three-year terms, and those members appointed from the group consisting of all the chairpersons of local boards shall be appointed to two-year terms. No person shall serve on the state board for more than six consecutive years. No person employed by a child-caring agency, a child-placing agency, or a court shall be appointed to the state board.

(2) The state board shall select a chairperson, vice-chairperson, and such other officers as the state board deems necessary. Members of the state board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The state board shall employ or contract for services from such persons as are necessary to aid it in carrying out its duties.

(3)(a) Beginning December 31, 1996, the state board shall be the only state agency with the responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in such federal act.

(b) Beginning December 31, 1996, the Department of Social Services shall no longer perform six-month case reviews and the department shall transfer all federal funds obtained under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, for such six-month case reviews of state wards to the state board. After the effective date of this act, the department shall provide training regarding the Partnership for the Protection of Children policy to state and local board members and any employees who will perform or supervise reviews. Employees of the permanency plan review unit of the Department of Social Services as

of December 30, 1996, shall be offered the opportunity to transfer to be employees of the State Foster Care Review Board beginning December 31, 1996, to continue to perform six-month case reviews pursuant to such federal act and the Foster Care Review Act. Employees who choose to transfer shall retain their rights under the State Personnel System or pertinent bargaining agreement, their service shall be deemed continuous, and such employees shall not be placed on original probation on the basis of such transfer.

(c) A six-month case review conducted by the state board and a six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(d) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(e) On or before January 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the state board's timely performance in meeting federal guidelines, a cost analysis of its case reviews, an analysis as to the quality of reviews, and the effectiveness of such reviews on the children within the state foster care system.

Sec. 2. Original section 43-1302, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, strike beginning with "provide" in line 2 through "of" in line 3 and insert "allow the transfer of certain employees to"; and in line 6 strike "to state intent;".

Mr. Wesely filed the following amendment to LB 1044A:
AM3489

1. On page 43, lines 9 and 10, strike the new matter and reinstate the stricken matter; and in line 15 after the period insert "The remaining balance of Federal Funds for FY1996-97 not transferred by December 31, 1996, shall be transferred to the Department of health and Human Services Finance and Support.".

2. On page 76, line 5, after "$250,000" insert ". After December 31, 1996, such funds shall be transferred into the Department of Health and Human Services Finance and Support Cash Fund"; and in line 11 after "2" insert ". The remaining balance not transferred by December 31, 1996, shall be transferred from the Department of Health and Human Services Finance and Support Cash Fund".

3. On page 82, after line 5 insert:

"(4) The unexpended federal fund balance remaining on

December 31, 1996, shall be transferred and is hereby appropriated in the following manner: (1) 59 percent to Agency 25, Department of Health and Human Services, Program 341, Administration - Social Services; (2) 40 percent to Agency 26, Department of Health and Human Services Finance and Support, Program 341, Administration - Social Services; and (3) 1 percent to Agency 20, Department of Health and Human Services Regulation and Licensure, Program 341, Administration - Social Services, for FY1996-97."; and in line 6 strike "(4)" and insert "(5)".

Messrs. Wehrbein, Engel, Maurstad, Brashear, Schrock, Mmes. Brown, Crosby, and Hillman filed the following amendment to LB 1044A:
AM3376

1. Insert the following new sections:

"Sec. 8. BUDGET REQUESTS.

It is the intent of the Legislature that the FY1997-98 and FY1998-99 budget request documents submitted to the Department of Administrative Services as required by section 81-132 contain the following budget programs:

(1) Medical Student Loans;
(2) Bureau of Examining Boards;
(3) Health Programs Aid;
(4) Smoking Disease and Cancer Research;
(5) Visually Impaired;
(6) Mental Health;
(7) Beatrice State Developmental Center;
(8) Developmental Disability Aid;
(9) Nebraska Veterans' Homes;
(10) Public Assistance;
(11) Medical Assistance;
(12) Long-Term Care;
(13) Child Abuse Prevention;
(14) Juvenile Services;
(15) Care Management; and
(16) Aging Services Aid.

Sec. 68. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, after line 9 insert:

"Beginning July 1, 1996, the Accounting Administrator shall begin tracking expenditures incurred by the Department of Health, the Department of Public Institutions, the Department of Social Services, the Department on Aging, and the Office of Juvenile Services in a format consistent with the new agency and program structure set forth in Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, and Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996. This tracking system is in addition to and does not replace the existing accounting coding process.".

3. On page 85, line 26, strike "This act becomes" and

insert "Sections 5, 8, and 66 of this act are operative on July 1, 1996. The other sections of this act are".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Suzanne Browne from Gering and Steve Taylor from Scottsbluff; and 20 second grade students and teacher from Rousseau Elementary, Lincoln.

RECESS

At 12:03 p.m., on a motion by Mrs. Brown, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Mmes. Bohlke, Hillman, Hudkins, Pirsch, Ms. Schimek, Messrs. Bromm, Engel, Jones, Kristensen, Pedersen, Robinson, Warner, Wickersham, Will, and Withem who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1044. Mr. Beutler offered the following amendment:

AM3544

1. On page 4, line 5, strike ", recommendations for".

2. On page 11, strike lines 1 through 5; on page 16, strike lines 16 through 20; and on page 21, strike lines 23 through 27; and on each page in place of the stricken matter insert:

"(4) Under the direction and guidance of the Adjutant General and the Nebraska Emergency Management Agency, to coordinate assistance programs established by the Adjutant General under section 81-829.72 with the programs of the department;".

3. On page 36, lines 11 through 22, strike the new matter, all amendments thereto, and reinstate the stricken matter.

4. On page 37, strike line 5, show as stricken, and insert

1001 to 2000	5
2001 to 3000	8
3001 to 4000	11
4001 to 5000	14
Over 5000	17

The Beutler amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Chambers offered the following amendment:
FA486
1. Strike "Policy Secretary" wherever it appears in the bill and insert "Feuhrer".
2. Strike "director" wherever it appears in the bill and insert, "obersturmbannfeuhrer"; and strike "the directors of the agencies" wherever such words appear and insert "each obersturmbannfeuhrer".
3. Strike "Policy Cabinet" wherever it appears in the bill and insert, "Schutzstaffel"

PRESIDENT ROBAK PRESIDING

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

Pending.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 1207. Placed on General File as amended.
Standing Committee amendment to LB 1207:
AM3487
1. Strike the original sections and insert the following new sections:
"Section 1. For purposes of sections 1 to 3 of this act:
(1) Firearm range means a rifle, pistol, silhouette, skeet, trap, black powder, or other similar range in this state used for discharging firearms in a sporting event, for practice or instruction in the use of firearms, or for the testing of firearms; and
(2) Substantial change in use means any fundamental change in the nature or character of activities conducted on the firearm range, or in the time, place, or manner of conducting activities on the firearm range, which has an impact on neighboring property owners which could not reasonably be anticipated by such owners at the time the property was acquired.
Sec. 2. (1) Except as provided in this section, a person may not maintain a nuisance action for noise against a firearm range located in the vicinity of such person's property, if the firearm range was established on or before the date the person became an owner, occupant, or resident of the property.
(2) A person who was an owner, occupant, or resident of property in the vicinity of a firearm range, prior to its establishment, and who has retained such status continuously since

such time, may maintain a nuisance action for noise against such firearm range if the action is brought within five years after the establishment of the firearm range. A person who is an owner, occupant, or resident of property in the vicinity of an existing firearm range may maintain a nuisance action for noise against such firearm range within three years after a substantial change in the use of the firearm range has occurred.

(3) If there has been no shooting activity at a firearm range for a period of three years, resumption of shooting shall be considered the establishment of a firearm range for purposes of this section.

Sec. 3. (1) No local ordinance or resolution regulating noise shall subject a firearm range to noise control standards more stringent than those in effect at the time of the construction or initiation of operation of the firearm range. The operation or use of a firearm range shall not be enjoined on the basis of noise, and no person shall be subject to a nuisance action for noise or criminal prosecution in any matter relating to noise resulting from the operation of the firearm range, if the firearm range was in compliance with all city ordinances or county resolutions relating to noise in effect at the time of its construction or the initiation of its operation.

(2) Nothing in this act shall limit the ability of a municipality or a county to regulate noise produced by the substantial change in use of a firearm range.

Sec. 4. Notwithstanding sections 1 to 3 of this act, no firearm range shall be operated between the hours of 10:00 p.m. to 7:00 a.m. unless a city ordinance or county resolution specifically authorizes the operation of such firearm range during all or any portion of such time period.".

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 333. Introduced by McKenzie, 34.

WHEREAS, the undefeated Sandy Creek Cougars girls' basketball team, coached by Russ Ninemire, maintained an undefeated 1995-96 season and are the Class C-2 state girls' basketball champions; and

WHEREAS, 1996 was Sandy Creek's sixth trip to the girls' state basketball tournament; and

WHEREAS, in the course of those six state tournaments, the Sandy Creek Cougars girls' basketball team has had one second round loss, were runners-up twice, and have been champion three times.

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

1. That the Legislature congratulates the Sandy Creek Cougars girls' basketball team and their coach, Russ Ninemire.

2. That a copy of this resolution be sent to Sandy Creek High School.

Laid over.

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 1167:
(Amendment, AM3425, 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 filed the following amendment to LB 1268:
AM3256

1. Strike original section 1 and insert the following new section:

"Section 1. Section 8-226, Revised Statutes Supplement, 1994, is amended to read:

8-226. (1) No individual, firm, corporation, or association doing business directly or indirectly in the State of Nebraska shall use the words trust, trust company, ~~or~~ trust association, or trust fund as any part of its title except:

(a) A ~~a~~ trust company as defined in section 8-230;

(b) A trust company chartered and supervised under the laws of the United States or any other state;

(c) A bank or savings association chartered and supervised under the laws of the United States or any other state, if such bank or savings association has been further chartered to conduct a trust company business;

(d) A limited partnership to the extent ~~or as~~ authorized by subdivision (4) of section 67-234;

(e) An entity required by any other law to use such words; or

(f) Except as provided in subsection (2) of this section.

2. Notwithstanding the provisions of subsection (1) of this section:

(a) An organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the code may use the words trust or trust fund;

(b) A trust created by a testamentary or fiduciary document may use the word trust; and

(c) An account in a financial institution established by or on behalf of trusts referenced in subdivision (b) of this subsection may use the words trust or trust fund.

3. A violation~~. Any person, persons, or corporation violating the provisions~~ of this section shall be guilty of a Class V misdemeanor.".

Mr. Wickersham filed the following amendment to LB 1076:
AM3531
1. In the Standing Committee amendments, AM2924, on page 4, line 5, strike "continuous".
2. On page 26, strike beginning with "At" in line 26 through line 28 and show as stricken.
3. On page 27, strike lines 1 and 2 and show as stricken.

Messrs. Schellpeper, Wickersham, Dierks, and Mrs. Hillman filed the following amendment to LB 1155:
(Amendment, AM3387, 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 1044. The Chambers pending amendment, FA486, found in this day's Journal, was renewed.

Mr. Wehrbein and Mrs. Hillman 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?"

Mr. Wesely 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.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers Lynch

Voting in the negative, 39:

Abboud	Cudaback	Janssen	McKenzie	Stuhr
Bernard-Stevens	Dierks	Jensen	Pedersen	Vrtiska
Beutler	Elmer	Jones	Pirsch	Warner
Bohlke	Engel	Klein	Preister	Wesely
Brashear	Fisher	Kristensen	Robak	Wickersham
Bromm	Hilgert	Landis	Schellpeper	Will
Brown	Hillman	Lindsay	Schimek	Witek
	Hudkins	Maurstad	Schmitt	Withem

Present and not voting, 4:

Avery	Crosby	Hartnett	Schrock

Excused and not voting, 4:

Coordsen	Matzke	Robinson	Wehrbein

The Chambers amendment lost with 2 ayes, 39 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Avery offered the following amendment:
AM3535

1. On page 9, strike beginning with "shall" in line 12 through "and" in line 13; and strike beginning with "The" in line 17 through line 24 and insert "The partnership council shall be comprised of ten to fifteen members to be appointed by the Governor, subject to confirmation by a majority of the members elected to the Legislature. The members shall as equally as possible represent each of the three congressional districts. At least one member of the council shall have expertise and work experience in each of the following fields: Mental health, developmental disabilities, child advocacy, juvenile justice, geriatrics, long-term care, veterans' affairs, medical, poverty, and foster care review issues. No person shall be appointed to the partnership council who is employed by or contracts with the departments or agencies, except that one member shall be a front-line bargaining unit employee.".

2. On page 10, line 3, after the period insert "No member shall serve more than six consecutive years.".

Mrs. Hudkins, Messrs. Engel, Schellpeper, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the previous question. The question is, "Shall the debate now close?"

Mr. Wesely moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mrs. Witek requested a record vote on the Avery amendment.

Voting in the affirmative, 17:

Abboud	Crosby	Jones	Pedersen	Schrock
Avery	Dierks	Lynch	Robinson	Stuhr
Bromm	Fisher	Maurstad	Schmitt	Witek
Coordsen	Jensen			

Voting in the negative, 16:

Bohlke	Hillman	Lindsay	Schimek	Wickersham
Elmer	Janssen	McKenzie	Warner	Will
Hartnett	Klein	Robak	Wesely	Withem
Hilgert				

Present and not voting, 10:

Bernard-Stevens	Brashear	Chambers	Kristensen	Preister
Beutler	Brown	Cudaback	Pirsch	Vrtiska

Excused and not voting, 6:

Engel	Landis	Matzke	Schellpeper	Wehrbein
Hudkins				

The Avery amendment lost with 17 ayes, 16 nays, 10 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Stuhr offered the following amendment:
AM3556

1. On page 4, line 8, after "1997" insert ". To aid the development of the transition plan, a position shall be established with responsibility to respond to questions, concerns, and complaints from consumers, service providers, elected officials, and interested citizens in order to ensure high levels of accountability. A toll-free telephone number shall also be made available and be made public for these purposes. The person in the position shall submit a monthly report to the Governor, Policy Cabinet, and Legislature. This position shall be established on January 1, 1997, and shall not be terminated prior to July 1, 1998.".

Ms. Schimek and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Stuhr amendment was adopted with 25 ayes, 2 nays, 15 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA487
P. 9, line 22, strike "distinguished"

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. COORDSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mrs. Pirsch and Mr. Hartnett filed the following amendment to LB 1311:
AM3504
(Amendments to Standing Committee amendments, AM3331)
1. On page 4, strike beginning with the second comma in line 20 through "or" in line 23.
2. On page 6, strike beginning with the second comma in line 25 through line 27.
3. On page 7, lines 1, 3, 4, and 6, strike the new matter.

Mr. Wickersham filed the following amendment to LB 1050:
AM3490
(Amendments to E & R amendments, AM7210)
1. On page 51, strike beginning with "that" in line 13 through "twelve" in line 14.

Mr. Bernard-Stevens filed the following amendment to LB 1050:
AM3530
(Amendments to E & R amendments, AM7210)
1. Insert the following new section:
"Sec. 5. Section 79-3409, Reissue Revised Statutes of Nebraska, is amended to read:
79-3409. (1) Upon agreement of the school boards or boards of education of the resident school district and the option school district, the deadlines for application and approval or rejection prescribed in section 79-3406 may be waived.

(2) The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years ~~and the application of any sibling of any such student to attend kindergarten or first grade in such original resident school district~~ shall be automatically accepted, and the deadlines prescribed in section 79-3406 shall be waived.

(3) The application of an option student who relocates in a different school district but wants to continue attending the option school district shall be automatically accepted, and the deadlines prescribed in section 79-3406 shall be waived.

(4) The sibling of any option student ~~shall be automatically~~ who has, before the operative date of this section, been accepted as an option student in the district in which the option student is enrolled shall be eligible to continue attending the option school district as an option student as provided in section 79-3403. ~~and all deadlines imposed by section 79-3406 shall be waived if the sibling makes application for participation in the enrollment option program for the same school year as the option student first makes application or, if the sibling is not yet of school age for the school year for which the option student first made application, the sibling makes application for the first school year in which the sibling is of school age. Capacity limitations of the option district shall be waived as to siblings who meet the requirements for automatic acceptance as option students under this section.~~".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay filed the following amendment to LB 1188:
AM3525

(Amendments to Standing Committee amendments, AM3278)

1. On page 1, lines 4 and 5; page 2, lines 4 and 19; page 4, lines 12 and 22; page 6, line 13; and page 9, lines 3, 19, and 20, strike "Nonprofit".

2. On page 1, strike beginning with the comma in line 15 through "board" in line 23.

3. On page 2, line 2, strike "owned" through "corporation"; and strike beginning with "No" in line 4 through line 25.

4. On page 4, strike beginning with "approval" in line 14 through "and" in line 15; and in line 17 strike "both" and after "purposes" insert "of the Hospital Sale Act and the Nebraska Health Care Certificate of Need Act".

5. On page 8, lines 15 and 16, strike "nonprofit"

through "foundation".

Mr. Lindsay filed the following amendment to LB 1188:
AM3526

(Amendments to Standing Committee amendments, AM3278)

1. Strike sections 7 and 12.

2. On page 2, lines 3 and 4, 11, and 26 and 27; page 3, line 22; and page 4, line 10; strike "and the Attorney General".

3. On page 2, strike lines 17 through 25.

4. On page 3, strike beginning with the second "a" in line 3 through the comma in line 6; and strike beginning with "A" in line 7 through the period in line 9.

5. On page 3, line 25; page 4, lines 3 and 23; and page 5, line 2; strike "or the Attorney General".

6. On page 4, line 27, strike "and the Attorney".

7. On page 5, line 1, strike "General"; and strike beginning with "The" in line 11 through "(2)" in line 25.

8. On page 6, lines 10 and 11, strike "or" through the comma.

9. On page 9, lines 2 and 3, strike "and" through "General".

10. Renumber the remaining sections and correct internal reference accordingly.

Ms. Schimek filed the following amendment to LB 1155:
AM3560

1. Insert the following new sections:

"Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Hospice Licensure Act.

Sec. 2. For purposes of the Hospice Licensure Act:

(1) Bereavement services means services provided under the supervision of a qualified professional including a plan of care for bereavement services that reflects family needs and a clear delineation of services to be provided for not less than one year following the death of the hospice patient;

(2) Hospice means a coordinated program under the direction of an identifiable hospice administration which (a) provides home care and inpatient care, (b) provides palliative care, supportive medical care, and any other care to meet the needs of terminally ill patients and their families, (c) uses a medically directed hospice interdisciplinary team including services provided by trained volunteers, (d) provides care to meet physical, psychosocial, spiritual, and other special needs which are experienced during the final stages of illness and during dying and bereavement, (e) makes hospice care available twenty-four hours per day, seven days per week, and (f) has met the guidelines of subparts A, C, D, and E (excluding paragraph (d) of section 418.56 of subpart C) of 42 C.F.R. part 418, as part 418 existed on October 1, 1992;

(3) Hospice inpatient facility means a facility in which the hospice provides inpatient care directly for respite and general inpatient care in compliance with 42 C.F.R. 418.100;

(4) Hospice interdisciplinary team means the attending physician, hospice medical director, licensed professional registered nurse, certified social worker, pastoral or other counselor, and, as determined by the interdisciplinary plan of care, providers of special services, such as mental health services, pharmacy services, home health aides, trained volunteers, dietary services, and any other appropriate health services, to meet the physical, psychosocial, spiritual, and economic needs which are experienced during the final stages of illness, dying, and bereavement;

(5) Hospice patient means a patient who is diagnosed as terminally ill with a medical prognosis that his or her life expectancy is six months or less if the illness runs its normal course and who with informed consent is admitted into a hospice program;

(6) Hospice volunteer means an individual specifically trained and supervised to provide support and supportive services to the hospice patient and hospice patient's family and under the supervision of a designated hospice volunteer coordinator; and

(7) Palliative care means treatment directed at controlling pain, relieving other physical and emotional symptoms, and focusing on the special needs of the hospice patient and hospice patient's family as they experience the dying process rather than treatment aimed at cure or prolongation of life.

Sec. 3. No agency, organization, or individual shall hold himself, herself, or itself out as a hospice or as providing hospice services unless licensed in accordance with the Hospice Licensure Act.

Sec. 4. Any organization or agency may file a written application with the Department of Health for licensure as a hospice. The application shall be filed on a form prescribed by the department and shall be accompanied by a license fee fixed by rules and regulations of the department.

Sec. 5. A license issued under the Hospice Licensure Act is not assignable or transferable, must be separate from any existing license, and is subject to suspension or revocation at any time for failure to comply with the act.

Sec. 6. (1) The Department of Health may adopt and promulgate rules and regulations to carry out the Hospice Licensure Act. The rules and regulations shall be initially adopted within one year after the effective date of this act. The rules and regulations shall apply to all organizations and agencies providing hospice care.

(2) The department shall fix, charge, and collect license fees and license renewal fees. The fees shall not be less than one hundred dollars or more than two hundred fifty dollars.

Sec. 7. Section 71-2017, Revised Statutes Supplement, 1994, is amended to read:

71-2017. The purposes of sections 71-2017 to 71-2029 and 81-604.01 and the Nebraska Nursing Home Act are: (1) To provide for the development, establishment, and enforcement of basic standards (a) for the care of persons in hospitals, health clinics, skilled nursing facilities, intermediate care facilities, intermediate care facilities for the mentally retarded, nursing facilities, domiciliary facilities, mental health centers, centers for the developmentally disabled, alcoholic treatment centers, residential care facilities, and drug treatment centers or persons using the services of a home health agency or hospice as defined in the Hospice Licensure Act and (b) for the construction, maintenance, and operation of such health care facilities which, in light of existing knowledge, will insure safe and adequate care of such persons in such health care facilities; (2) to recognize the coordinated development of health care facilities and services; (3) to promote the development of multi-institutional systems that will coordinate and consolidate the delivery of health care services and multi-institutional arrangements for the sharing of support services; and (4) to promote the development of capacity to provide various levels of care on a geographically integrated basis to meet the special needs of residents of the State of Nebraska for health services.

Any hospital or other health care facility owned or operated by a fraternal organization mentioned in section 21-608 exclusively for its own members shall be exempt unless any such fraternal organization owning or operating such a hospital or other health care facility is issued a license for such hospital or other health care facility upon its written application and upon its agreeing to comply with sections 71-2017 to 71-2029 and the Nebraska Nursing Home Act.

The Department of Health may waive any rule, regulation, or standard adopted and promulgated by the department relating to construction or physical plant requirements of licensed health facilities upon proof by the licensee satisfactory to the department that the waiver of such rule, regulation, or standard will not unduly jeopardize the health or welfare of the patients or residents, that such rule, regulation, or standard would create an unreasonable hardship upon the facility, and that a waiver will not cause the State of Nebraska to fail to comply with any of the applicable requirements of medicare or medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled. The licensee shall submit and the department shall consider the following in evaluating the issue of unreasonable hardship: (i) The estimated cost of the modification or installation; (ii) the extent and duration of the disruption of the normal use of patient or resident areas resulting from construction work; (iii) the estimated period over which cost would

be recovered through reduced insurance premiums and increased reimbursement related to cost; (iv) the availability of financing; and (v) the remaining useful life of the building. Any such waiver may be under such terms and conditions and for such period of time, not to exceed one year at a time, as the department may prescribe. The department may each year waive such rule, regulation, or standard for an additional year if the department determines that the continued waiver of such rule, regulation, or standard for an additional year will not constitute a hazard to the health or welfare of the patients or residents and will not cause the State of Nebraska to fail to comply with any of the applicable requirements of medicare or medicaid so as to make the state ineligible for the receipt of all funds to which it might otherwise be entitled.

Nothing in sections 71-2017 to 71-2029, 71-6043 to 71-6052, and 81-604.01, the Nebraska Nursing Home Act, or any rule or regulation adopted and promulgated pursuant thereto shall be construed to authorize or require any facility which is operated by and for members of a church which includes healing by prayer and spiritual means as a part of its religious practices to be licensed or inspected by the Department of Health except as such licensure and inspection pertain solely to sanitation, fire prevention, and safety standards and building and construction codes applicable to the facilities mentioned in subdivision (1) of this section, nor shall any patients, residents, or personnel thereof be subjected to any medical supervision, regulation, or control in connection with the operation of any such facility.

Sec. 8. Section 71-6615, Revised Statutes Supplement, 1994, is amended to read:

71-6615. Sections 71-6601 to 71-6615 shall not apply to any volunteers working on behalf of a hospice licensed under the Hospice Licensure Act ~~program, as such program is defined by rules and regulations of the department,~~ who, as part of their volunteer duties, provide home health care.

Sec. 9. Original sections 71-2017 and 71-6615, Revised Statutes Supplement, 1994, are repealed.".

2. Renumber the remaining sections accordingly.

3. Correct the repealer and operative date sections so the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 906, 908, 909, 933, 938, 967, 973, 1001, 1002, 1008, 1035, 1047, 1048, 1072, 1073, 1108, and 1123.

Enrollment and Review Change to LB 908

The following changes, required to be reported for publication in the Journal, have been made:
ER9131

1. On page 1, line 1, "punishment" has been struck and "punishments" inserted; and in line 3 "a penalty" has been struck and "penalties" inserted.

Enrollment and Review Change to LB 938

The following changes, required to be reported for publication in the Journal, have been made:
ER9123

1. In the Kristensen amendment, AM3102, on page 1, line 18, "(3)" has been struck.

2. On page 1, line 1, "section 60-4,138" has been struck and "sections 60-4,138 and 60-4,149.01" inserted; and the matter beginning with "to" in line 9 through the semicolon in line 10 has been struck.

Enrollment and Review Change to LB 967

The following changes, required to be reported for publication in the Journal, have been made:
ER9130

1. Original section 2 has been struck and the following new section inserted:

"Sec. 4. Section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 155. A Class II school district shall be created whenever a Class I school district determines to establish a high school by a majority vote of the qualified voters at an annual or special meeting.

The members of the school board serving when it is decided to establish a high school shall continue in office until the ~~first Tuesday in June following the next statewide primary election~~ first regular meeting of the board in January following the next statewide general election. The Class II school district board shall be elected pursuant to section 32-542.".

2. On page 1, the matter beginning with "section" in line 1 through "1994" in line 3 and all amendments thereto have been struck and "section 79-426.19, Reissue Revised Statutes of Nebraska, sections 32-542 and 32-606, Revised Statutes Supplement, 1994, and section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

3. On page 4, the matter beginning with "section" in line 23 through "1994" in line 25 and all amendments thereto have been struck and "section 79-426.19, Reissue Revised Statutes of Nebraska, sections 32-542 and 32-606, Revised Statutes Supplement, 1994, and section

155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

Enrollment and Review Change to LB 1108

The following changes, required to be reported for publication in the Journal, have been made:
ER9124

1. In the Matzke amendment, AM3361:

a. On page 5, lines 7 and 8; page 8, line 25; and page 10, line 12, "this article" has been struck, shown as stricken, and "the Uniform Controlled Substances Act" inserted;

b. On page 10, lines 6 and 17, "or her" has been inserted after "his";

c. On page 14, line 19, "A" has been struck, shown as stricken, and "Except as provided in subdivision (1)(b)(iv) of this section, a" inserted; and

d. On page 26, line 19, "(a)" has been struck and "(i)" inserted; in line 20 "(b)" has been struck and "(ii)" inserted; in line 22 "Department of Health" has been struck and "department" inserted; in line 23 "the provisions of" has been struck; and in line 25 the comma has been struck and "does" has been struck and "shall" inserted.

2. In the Dierks amendment, AM3212, on page 1, line 12, "Department of Health" has been struck and "department" inserted and "of this act" has been inserted after "date".

3. On page 1, line 1, "physician assistants" has been struck and "public health and welfare" inserted and "28-401, 28-410, 28-412, 28-414, 28-1437, 71-124.01, 71-129," has been inserted after "sections"; in line 4 "71-1,143, 71-1,147, 71-1,147.09," has been inserted after "71-1,142,"; and lines 8 and 9 have been struck and "provisions relating to prescriptions, the dispensing of drugs, and the regulation of the pharmacy profession; to change certification provisions for physician assistants; to provide for licensure of physician assistants; to harmonize provisions; to repeal the original sections; and to declare an emergency." inserted.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 1013. Placed on General File.

(Signed) Chris Abboud, Chairperson

Education

LEGISLATIVE BILL 1178. Placed on General File.

LEGISLATIVE BILL 1023. Placed on General File as amended.
Standing Committee amendment to LB 1023:
AM3051

1. Strike the original sections and insert the following new sections:

"Section 1. A school district shall offer to participate in mediation under the Dispute Resolution Act prior to an administrative hearing or court action for any dispute under the Special Education Act between the school district and parents or guardians. If a parent or guardian responsible for decisions regarding the education of the child accepts the offer to mediate within fourteen days after the offer is given, the school district shall participate in such mediation.

Sec. 2. Section 25-2911, Reissue Revised Statutes of Nebraska, is amended to read:

25-2911. (1) The following types of cases may be accepted for dispute resolution at an approved center:

(a) Civil claims and disputes, including, but not limited to, consumer and commercial complaints, disputes between neighbors, disputes between business associates, disputes between landlords and tenants, and disputes within communities;

(b) Disputes concerning child custody and visitation rights and other areas of domestic relations; ~~and~~

(c) Juvenile offenses and disputes involving juveniles; and

(d) Disputes arising under the Special Education Act between a school district and parents or guardians.

(2) An approved center may accept cases referred by a court, an attorney, a law enforcement officer, a social service agency, a school, or any other interested person or agency or upon the request of the parties involved. A case may be referred prior to the commencement of formal judicial proceedings or may be referred as a pending court case. In order for a referral to be effective, all parties involved must consent to such referral. If a court refers a case to an approved center, the center shall provide information to the court as to whether an agreement was reached. If the court requests a copy of the agreement, the center shall provide it.

Sec. 3. Section 79-3301, Revised Statutes Supplement, 1995, is amended to read:

79-3301. Sections 79-3301 to 79-3370 and section 1 of this act shall be known and may be cited as the Special Education Act.

Sec. 4. Original section 25-2911, Reissue Revised Statutes of Nebraska, and section 79-3301, Revised Statutes Supplement, 1995, are repealed.".

LEGISLATIVE BILL 1299. Placed on General File as amended.
Standing Committee amendment to LB 1299:

AM3550

1. Strike section 2.

2. On page 2, strike beginning with the period in line 17 through "session" in line 20.

3. On page 3, line 13, strike "sections" through "79-3816" and insert "section 79-3814"; and in line 14 strike "are" and insert "is".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 818. Indefinitely postponed.
LEGISLATIVE BILL 999. Indefinitely postponed.
LEGISLATIVE BILL 1234. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

Business and Labor

LEGISLATIVE BILL 1392. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

SELECT FILE

LEGISLATIVE BILL 1044. The Chambers pending amendment, FA487, found in this day's Journal, was renewed.

Messrs. Beutler, Janssen, Mmes. Witek, Bohlke, and Hillman 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 16 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Avery	Coordsen	Klein	Pedersen	Stuhr
Bernard-Stevens	Crosby	Kristensen	Preister	Vrtiska
Brown	Elmer	Lindsay	Robinson	Wickersham
Chambers	Engel	Maurstad	Schmitt	Will
	Hilgert	McKenzie	Schrock	

Voting in the negative, 5:

Bromm	Warner	Wehrbein	Wesely	Withem

Present and not voting, 10:

Brashear	Fisher	Janssen	Jones	Pirsch
Dierks	Hartnett	Jensen	Lynch	Robak

Absent and not voting, 1:

Cudaback

Excused and not voting, 10:

Abboud	Bohlke	Hudkins	Matzke	Schimek
Beutler	Hillman	Landis	Schellpeper	Witek

The Chambers amendment lost with 23 ayes, 5 nays, 10 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

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

Mr. Bernard-Stevens offered the following amendment:
FA488
1. On page 8, line 5, after "management" insert "; and
(4) Nothing in the Nebraska Partnership for Health and Human Services Act shall be construed to prohibit the sharing of information among programs delivering services to individuals in order to provide coordinated services to such individuals".
Unless specifically prohibited by statute.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Messrs. Wesely, Chambers, and Ms. Schimek filed the following amendment to LB 1368:
AM3495
1. Insert the following new sections:
"Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, is amended to read:
48-1203. (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees wages at the minimum rate of four dollars and ~~twenty-five~~ fifty cents per hour.
(2) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two

dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

Sec. 8. Original section 48-1203, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 2, lines 3 and 4, strike "3 and 4" and insert "4 and 5".

3. On page 4, line 20, strike "3" and insert "4"; in line 24 strike "This act becomes" and insert "Sections 2 to 5 and 7 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

Messrs. Wesely, Chambers, and Ms. Schimek filed the following amendment to LB 1368:

AM3493

1. Insert the following new sections:

"Section 1. Section 48-1203, Reissue Revised Statutes of Nebraska, is amended to read:

48-1203. (1) Except as otherwise provided in this section and section 48-1203.01, every employer shall pay to each of his or her employees wages at the minimum rate of four dollars and ~~twenty-five~~ fifty cents per hour.

(2) For persons compensated by way of gratuities such as waitresses, waiters, hotel bellhops, porters, and shoeshine persons, the employer shall pay wages at the minimum rate of two dollars and thirteen cents per hour, plus all gratuities given to them for services rendered. The sum of wages and gratuities received by each person compensated by way of gratuities shall equal or exceed the minimum wage rate provided in subsection (1) of this section. In determining whether or not the individual is compensated by way of gratuities, the burden of proof shall be upon the employer.

(3) Any employer employing student-learners as part of a bona fide vocational training program shall pay such student-learners' wages at a rate of at least seventy-five percent of the minimum wage rate which would otherwise be applicable.

Sec. 6. The board shall not approve an agreement under section 77-4928 unless the company pays all employees involved in the proposed project at least four dollars and fifty cents per

hour.

Sec. 9. Original section 48-1203, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 2, lines 3 and 4, strike "3 and 4" and insert "4, 5, and 6".

3. On page 4, line 20, strike "3" and insert "4"; in line 24 strike "This act becomes" and insert "Sections 2 to 6 and 8 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1368:
AM3464

1. Insert the following new sections:

"Section 1. Section 77-4108, Revised Statutes Supplement, 1994, is amended to read:

77-4108. (1) The incentives allowed under the Employment and Investment Growth Act shall not be transferable except in the following situations:

(a) Any credit allowable to a partnership, a limited liability company, a subchapter S corporation, or an estate or trust may be distributed to the partners, members, shareholders, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities, except that the credits distributed cannot be used to reduce the income tax liability of a partner, member, shareholder, or beneficiary with Nebraska adjusted gross income of at least two hundred thousand dollars to less than three percent of Nebraska adjusted gross income, and such partners, members, shareholders, or beneficiaries shall be deemed to have made an underpayment of their income taxes for any recapture required by section 77-4107; and

(b) The incentives previously allowed and the future allowance of incentives may be transferred when a project covered by an agreement is transferred in its entirety by sale or lease to another taxpayer or in an acquisition of assets qualifying under section 381 of the Internal Revenue Code of 1986.

(2) The acquiring taxpayer, as of the date of notification of the Tax Commissioner of the completed transfer, shall be entitled to any unused credits and to any future incentives allowable under the act.

(3) The acquiring taxpayer shall be liable for any recapture that becomes due after the date of the transfer for the repayment of any benefits received either before or after the transfer.

(4) If a taxpayer operating a project and allowed a credit under the act dies and there is a credit remaining after the filing of the final return for the taxpayer, the personal representative shall determine the distribution of the credit or

any remaining carryover with the initial fiduciary return filed for the estate. The determination of the distribution of the credit may be changed only after obtaining the permission of the Tax Commissioner.

Sec. 8. Original section 77-4108, Revised Statutes Supplement, 1994, is repealed.".

2. On page 2, lines 3 and 4, strike "3 and 4" and insert "4 and 5".

3. On page 4, line 20, strike "3" and insert "4"; in line 24 strike "This act becomes" and insert "Sections 2 to 5 and 7 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 1174:
AM3557

(Amendments to Standing Committee amendments, AM3174)

1. On page 1, line 11, after the semicolon insert "in line 19 strike 'Anyone' and insert 'Any such person';"; and in lines 13 and 14 strike "or the legality of the transport".

Mr. Wesely filed the following amendment to LB 1368:
AM3552

1. Insert the following new sections:

"Section 1. Section 77-4108, Revised Statutes Supplement, 1994, is amended to read:

77-4108. (1) The incentives allowed under the Employment and Investment Growth Act shall not be transferable except in the following situations:

(a) Any credit allowable to a partnership, a limited liability company, a subchapter S corporation, or an estate or trust may be distributed to the partners, members, shareholders, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities, except that the credits distributed cannot be used to reduce the income tax liability of the spouse of the partner, member, shareholder, or beneficiary, and ~~such~~ the partners, members, shareholders, or beneficiaries shall be deemed to have made an underpayment of their income taxes for any recapture required by section 77-4107; and

(b) The incentives previously allowed and the future allowance of incentives may be transferred when a project covered by an agreement is transferred in its entirety by sale or lease to another taxpayer or in an acquisition of assets qualifying under section 381 of the Internal Revenue Code of 1986.

(2) The acquiring taxpayer, as of the date of notification of the Tax Commissioner of the completed transfer, shall be entitled to any unused credits and to any future incentives allowable under the act.

(3) The acquiring taxpayer shall be liable for any recapture that becomes due after the date of the transfer for the repayment of any benefits received either before or after the transfer.

(4) If a taxpayer operating a project and allowed a credit under the act dies and there is a credit remaining after the filing of the final return for the taxpayer, the personal representative shall determine the distribution of the credit or any remaining carryover with the initial fiduciary return filed for the estate. The determination of the distribution of the credit may be changed only after obtaining the permission of the Tax Commissioner.

Sec. 8. Original section 77-4108, Revised Statutes Supplement, 1994, is repealed.".

2. On page 2, lines 3 and 4, strike "3 and 4" and insert "4 and 5".

3. On page 4, line 20, strike "3" and insert "4"; in line 24 strike "This act becomes" and insert "Sections 2 to 5 and 7 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 1044:
FA489

Page 9, strike lines 22-24.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 1253. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ron Stock from St. Edward; Kevin Buhrman from Wisner; and Tom Grooms from Grand Island.

The Doctor of the Day was Dr. Veskrna from the Lincoln.

ADJOURNMENT

At 5:26 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, March 6, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 6, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Father Nicholas Baker, Sacred Heart Catholic Church, Crete, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Chambers, Engel, Kristensen, Lindsay, Robinson, Wehrbein, Wickersham, Will, Withem, Mmes. McKenzie, Robak, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1053. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 923. Title read. Considered.

Standing Committee amendment, AM2886, found in the Journal on page 619, was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 27 ayes, 1 nay, 7 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 496. Title read. Considered.

Standing Committee amendment, AM2747, found in the Journal on page 620, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 496A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM3261, found in the Journal on page 878.

The Wesely amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 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 842. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1162. Title read. Considered.

Standing Committee amendment, AM2926, found in the Journal on page 648, was adopted with 30 ayes, 0 nays, 10 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.

LEGISLATIVE BILL 1363. 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 1184. 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 1252. 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 1275. Title read. Considered.

Mr. Landis renewed his pending amendment, AM3295, found in the Journal on page 909.

The Landis amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Messrs. Coordsen and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1050A. 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.

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

LEGISLATIVE BILL 1044A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM3489, found in the Journal on page 1035.

The Wesely amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Hillman renewed the Wehrbein et al. pending amendment, AM3376, found in the Journal on page 1036.

The Wehrbein et al. amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Wesely 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 the advancement of the bill.

Voting in the affirmative, 26:

Avery	Crosby	Janssen	Matzke	Stuhr
Bernard-Stevens	Dierks	Jones	McKenzie	Warner
Bohlke	Elmer	Klein	Pedersen	Wesely
Bromm	Engel	Kristensen	Schellpeper	Wickersham
Brown	Hilgert	Landis	Schmitt	Withem
	Hillman			

Voting in the negative, 3:

Chambers	Maurstad	Witek

Present and not voting, 11:

Beutler	Hudkins	Lynch	Preister	Schrock
Cudaback	Jensen	Pirsch	Robinson	Vrtiska
Fisher				

Excused and not voting, 9:

Abboud	Coordsen	Lindsay	Schimek	Will
Brashear	Hartnett	Robak	Wehrbein	

Advanced to E & R for review with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

MOTION - Bracket LB 604

Mr. Bernard-Stevens moved to bracket LB 604 until March 21, 1996.

Laid over.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 1050:
AM3542

(Amendments to E & R amendments, AM7210)

1. On page 70, line 11, after "sources" insert ",including the School Employees Purchasing Power Stabilization Fund,".

Messrs. Wickersham and Beutler filed the following amendment to LB 43:
AM3558

1. On page 39, line 16, after "thereof" insert "causing serious damage, injury, or loss of life or property resulting from any natural or manmade cause"; and in line 18 after "action" insert

"to accomplish the purposes of the Emergency Management Act and".

2. On page 43, lines 12 and 13 and 17, strike "secretary, and clerks" and insert "the Secretary of State, and the clerks of the local governments in the area to which it applies".

3. On page 59, line 17, strike "part-time director and"; and in line 18 after "director" insert "and such additional personnel as may be needed".

4. On page 63, line 10, after "director" insert "or coordinator".

5. On page 68, line 3, before the period insert ". The proclamation shall continue in effect until the principle executive officer finds that the disaster or emergency has been dealt with to the extent that those conditions no longer exist. The local governing body by resolution may terminate a local state of emergency proclamation at any time, and upon such termination the principle executive officer shall terminate the proclamation".

6. On page 74, line 15, after the underscored period insert "Any such agreement or compact shall provide for reimbursement of all costs incurred by the State of Nebraska for actions taken in another state, for indemnification of the State of Nebraska and its employees against all claims, costs, or fees arising from actions taken in another state, and for termination of the agreement or assistance as necessary to meet disasters, emergencies, or other needs of the State of Nebraska. Any mutual aid agreement or emergency preparedness compact other than the Interstate Civil Defense and Disaster Compact which does not meet the requirements specified in this subsection shall be submitted to the Legislature for approval before it can become effective.".

7. On page 83, lines 4 through 6, strike "subject" through "both", show as stricken, and insert "guilty of a Class I misdemeanor".

Mr. Wickersham filed the following amendment to LB 1050:
AM3545

(Amendments to Standing Committee amendments, AM7210)

1. On page 22, strike beginning with "as" in line 8 through "and" in line 9; and strike beginning with "minus" in line 26 through line 27.

2. On page 23, line 1, strike "with the difference".

3. On page 41, strike beginning with "funds" in line 7 through "act" in line 8 and insert "Tax Equity and Educational Opportunities Fund".

EXPLANATION OF VOTE

Had I been present, I would have voted "yes" on LBs 1053 and 923.

(Signed) Kate Witek

GENERAL FILE

LEGISLATIVE BILL 901. Standing Committee amendment, AM3071, printed separately and referred to on page 780 and considered on page 1024, was renewed.

Mr. Schrock renewed his pending amendment, FA475, found in the Journal on page 982, to the Standing Committee amendment.

Messrs. Bernard-Stevens, Landis, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

The Schrock amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Robinson renewed his pending amendment, AM3494, found in the Journal on page 1012, to the Standing Committee amendment.

Mrs. Hillman and Mr. Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson withdrew his amendment.

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

Mr. Engel offered the following amendment to the Standing Committee amendment:
FA490
Amend AM3071
On Page 7, line 7, strike the word "Seventy-five" & insert the word "Seventy"

Pending.

SPEAKER WITHEM PRESIDING

MOTION - Place LB 943 on General File

Mrs. Stuhr renewed her pending motion, found in the Journal on page 997, to have LB 943 placed on General File pursuant to Rule 3, Section 17.

Messrs. Elmer and Preister 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 25 ayes, 5 nays, and 19 not voting.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Mrs. Stuhr requested a roll call vote, in reverse order, on her motion to place on General File.

Voting in the affirmative, 30:

Abboud	Dierks	Janssen	Maurstad	Stuhr
Avery	Engel	Jensen	Pirsch	Vrtiska
Bromm	Fisher	Jones	Robinson	Warner
Brown	Hartnett	Klein	Schellpeper	Wehrbein
Coordsen	Hillman	Lynch	Schmitt	Wickersham
Crosby	Hudkins	Matzke	Schrock	Witek

Voting in the negative, 10:

Bohlke	Hilgert	Lindsay	Pedersen	Schimek
Chambers	Landis	McKenzie	Robak	Withem

Present and not voting, 5:

Beutler	Brashear	Cudaback	Kristensen	Wesely

Excused and not voting, 4:

Bernard-Stevens	Elmer	Preister	Will

The Stuhr motion prevailed with 30 ayes, 10 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Hudkins, Messrs. Coordsen, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Place LB 1243 on General File

Mr. Beutler renewed his pending motion, found in the Journal on page 904, to place LB 1243 on General File, notwithstanding the action of the Government Committee, pursuant to Rule 3, Section 17.

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

Mr. Beutler withdrew his motion.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1108:
AM3533

(Amendments to Final Reading copy)

1. Strike sections 1 to 7, 15 to 17, and 27.

2. On page 1, strike beginning with "28-401" in line 2 through "71-129," in line 3; strike beginning with "71-1,143" in line 5 through "71-1,147.09," in line 6; strike beginning with "to" in line 9 through the semicolon in line 11; in line 14 after the first semicolon insert "and"; and strike beginning with the second semicolon in line 14 through "emergency" in line 15.

3. On page 32, line 13, strike the new matter and reinstate the stricken matter; and in lines 14 through 19 strike the new matter.

4. On page 33, lines 3 through 5, strike the new matter.

5. On page 52, strike beginning with "28-401" in line 2 through "71-129," in line 3; and strike beginning with "71-1,143" in line 5 through "71-1,147.09," in line 6.

6. Renumber the remaining sections accordingly.

Mr. Cudaback filed the following amendment to LB 964:
AM3505

1. Insert the following new section:

"Sec. 4. Section 32-808, Revised Statutes Supplement, 1994, is amended to read:

32-808. (1) Absentee ballots and applications shall be ready for delivery to registered voters at least thirty-five days prior to each statewide primary or general election and at least fifteen days prior to all other elections.

(2) Notwithstanding subsection (1) of this section, upon request for a ballot, an absentee ballot shall be forwarded to each voter meeting the criteria of section 32-939 at least forty-five days prior to any election. The election commissioner or county clerk shall not forward any absentee ballot or special absentee ballot if the election to which such ballot pertains has already been held. If the absentee ballot has not been printed in sufficient time to meet the requirements of this subsection, the election commissioner or county clerk shall issue a special absentee ballot to each voter meeting the criteria of such section at least fifty-seven days prior to an election upon the written request by such voter requesting the special absentee ballot. A complete list of the nominated candidates and issues to be voted upon by a voter meeting the criteria of such section shall be

included with the special absentee ballot by the election commissioner or county clerk. A notice shall be sent with the primary election ballot stating that the absentee voter must request a general election ballot unless such voter has requested both the primary and general election ballots. If the voter has requested both ballots, a notice shall be sent with the primary election ballot stating that the general election ballot will be sent to the same address unless otherwise notified.

(3) For purposes of this section, a special absentee ballot shall mean a ballot prescribed by the Secretary of State which contains the titles of all offices being contested at such election and shall permit the voter to vote by writing in the names of the specific candidates or the decision on any issue.

(4) The election commissioner or county clerk shall publish in a newspaper of general circulation in the county an application form to be used by registered voters in making an application for an absentee ballot after the ballots become available. The application form shall be prescribed by the Secretary of State and shall include the reasons a registered voter is permitted to vote absentee as enumerated in section 32-938. The publication of the application for an absentee ballot shall not be required if the election is held by mail pursuant to sections 5 to 12 of this act.".

2. On page 5, line 17, after the period insert "The written plan shall include provisions for the notice of election to be published and for the application for absentee ballots notwithstanding other statutory provisions regarding the content and publication of a notice of election or the application for absentee ballots.".

3. On page 8, line 10, after the period insert "If the election commissioner or county clerk is unable to verify a signature, the election commissioner or county clerk shall contact the voter within two days after determining that he or she is unable to verify the signature to ascertain whether the voter cast a ballot. The election commissioner or county clerk may request that the registered voter sign and submit a current signature card pursuant to section 32-318."; in line 14 after the period insert "The election commissioner or county clerk shall not make public any record or list of registered voters who have returned their ballots until the election has been certified by the canvassing board."; and in line 25 strike "section 32-559" and insert "sections 32-559 and 32-808".

4. Renumber the remaining sections and correct internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Pedersen asked unanimous consent to have his name added as cointroducer to LB 842. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 1363. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 seniors and teacher from NE Christian School, Central City; 96 fourth grade students and teachers from Crete; Dr. Paul Kennedy from Omaha; and Vivian and Jennifer Gast from Omaha.

RECESS

At 11:51 a.m., on a motion by Mr. Cudaback, 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. Beutler, Bromm, Elmer, Hilgert, Jones, Landis, Lindsay, Mmes. Bohlke, Brown, Hillman, McKenzie, Robak, and Witek who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1343A. 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 1343, Ninety-fourth Legislature, Second Session, 1996.

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 681:
(Amendment on file in the Clerk's Office - Room 2018 - AM2998.)

GENERAL FILE

LEGISLATIVE BILL 901. The Engel pending amendment, FA490, found in the Journal on page 1064, to the pending Standing Committee amendment, was renewed.

MR. WILL PRESIDING

Messrs. Withem and Warner asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper moved the previous question. The question is, "Shall the debate now close?"

Mr. Schellpeper moved for a call of the house. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Engel requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Avery	Crosby	Fisher	Preister	Stuhr
Beutler	Cudaback	Hudkins	Robinson	Vrtiska
Bromm	Dierks	Jones	Schimek	Wehrbein
Brown	Engel	Pedersen	Schrock	Witek

Voting in the negative, 25:

Abboud	Coordsen	Klein	Maurstad	Schmitt
Bernard-Stevens	Elmer	Kristensen	McKenzie	Wesely
Bohlke	Hilgert	Lindsay	Pirsch	Wickersham
Brashear	Hillman	Lynch	Robak	Will
Chambers	Jensen	Matzke	Schellpeper	Withem

Present and not voting, 2:

Hartnett Janssen

Excused and not voting, 2:

Landis Warner

The Engel amendment lost with 20 ayes, 25 nays, 2 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Will filed the following amendment to LB 1114:
AM3503

1. Insert the following new section:

"Sec. 8. It is the intent of the Legislature that reductions in school budgets made to meet tax levy limitations as a result of enactment of this legislative bill:

(1) Protect the instructional expenditures for children and their activities as much as possible;

(2) Unless every reasonable reduction in middle management and central office expenditures and positions has been made, there should be no reduction in expenditures or positions in music, drama, summer school, or like activities;

(3) Reductions should be made as far from the classroom as possible and should include administration travel, memberships, lobbying, transportation, and capital outlays; and

(4) Any cuts in school spending as a result of the enactment of this legislative bill should affect the classroom last.".

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 334. Introduced by Warner, 25; Landis, 46; Coordsen, 32; Schellpeper, 18; Hartnett, 45; Wickersham, 49; Kristensen, 37; Will, 8.

PURPOSE: The issue of the use of credits earned pursuant to the Employment Expansion and Investment Incentive Act to reduce or eliminate the personal income tax liability of individual taxpayers is an important policy concern for legislators and taxpayers. This policy issue is most appropriate to be examined by elected representatives who are responsible for modification of the act and other legislation. The examination should be open to all citizens, taxpayers, and beneficiaries of the credits contained in the Employment Expansion and Investment Incentive Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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. The committee shall examine this specific issue and its implications for changes or modifications to the Employment Expansion and Investment Incentive Act. The committee shall hold a

series of public hearings and take testimony from interested and affected persons.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by January 10, 1997.

Referred to the Executive Board.

MOTION - Reconsider Action on LB 943

Mr. Bernard-Stevens moved to reconsider the Stuhr motion to place LB 943 on General File.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 901. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA491

Amend Committee Amend. (AM3071)

P. 9, line 8, strike "speeding" and insert, "exceeding the posted speed limit".

Mr. Kristensen 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, 21 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

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

The Standing Committee amendment, as amended, was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

Messrs. Hilgert and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA492

Amend Committee Amend (AM3071)

Strike all of section 4 & 9; renumber.

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

Mr. Pedersen, Mmes. McKenzie, and Bohlke asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 13:

Beutler	Hilgert	Robak	Wesely	Will
Chambers	Janssen	Schmitt	Wickersham	Withem
Elmer	Lindsay	Vrtiska		

Voting in the negative, 20:

Avery	Engel	Jensen	Landis	Schrock
Bernard-Stevens	Fisher	Jones	Matzke	Stuhr
	Hillman	Klein	Pirsch	Wehrbein
Brown	Hudkins	Kristensen	Robinson	Witek
Crosby				

Present and not voting, 9:

Brashear	Dierks	Lynch	Preister	Schimek
Bromm	Hartnett	Maurstad	Schellpeper	

Excused and not voting, 7:

Abboud	Coordsen	McKenzie	Pedersen	Warner
Bohlke	Cudaback			

The Chambers amendment lost with 13 ayes, 20 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wickersham renewed his pending amendment, AM3277, found in the Journal on page 975.

Messrs. Jensen, Wesely, Landis, Mmes. Robak, Hudkins, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Ms. Schimek and Mr. Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Wickersham moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Avery	Coordsen	Jones	Pirsch	Wesely
Bernard-Stevens	Dierks	Landis	Robak	Wickersham
Brashear	Elmer	Lindsay	Schellpeper	Will
Chambers	Hilgert	Lynch	Vrtiska	Withem
	Jensen	Matzke		

Voting in the negative, 15:

Crosby	Hartnett	Klein	Preister	Schrock
Engel	Hillman	Kristensen	Robinson	Warner
Fisher	Janssen	Maurstad	Schmitt	Wehrbein

Present and not voting, 3:

Beutler	Bromm	Brown

Excused and not voting, 9:

Abboud	Cudaback	McKenzie	Schimek	Witek
Bohlke	Hudkins	Pedersen	Stuhr	

The Wickersham amendment lost with 22 ayes, 15 nays, 3 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

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

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 604. Placed on Select File as amended.

(E & R amendment, AM7220, 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 575. Placed on Select File as amended.
E & R amendment to LB 575:
AM7217

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 14-373, Reissue Revised Statutes of Nebraska, is amended to read:

14-373. Each city of the metropolitan class is authorized and required to prepare a plan for its future physical development and growth. Such plan shall be prepared, and shall be carried out by an appropriate city board or official. The plan may include such lands outside the corporate limits of the city as may bear a relation to the development of the city. A planning board may be given such other powers and duties by statute or charter as may be appropriate, and on or after January 1, 1998, the planning board shall have one member qualified and appointed as provided in section 3 of this act.

Sec. 2. The Legislature finds that:

(1) The exercise of zoning, planning, and other concomitant powers by a city of the metropolitan class in the area of extraterritorial jurisdiction described and authorized by state law necessarily affects property outside the corporate boundaries of the city and persons who are not inhabitants of or electors in the city;

(2) The protection of unrepresented persons and property affected by a statutorily created zoning and planning process is a matter of state concern; and

(3) The protection of such unrepresented persons and property would be facilitated by requiring that at least one person residing in the area of extraterritorial jurisdiction and appointed by an elected body of the area of extraterritorial jurisdiction serve as a member of the planning board of the city of the metropolitan class if a planning board exists.

Sec. 3. (1) Notwithstanding any provision of a city charter to the contrary, the next vacancy that occurs on a city planning board on or after January 1, 1998, shall be filled by the appointment of a person who resides in the area of extraterritorial jurisdiction as provided in subsection (2) of this section. At all times following the initial appointment of a planning board member who resides in the area of extraterritorial jurisdiction, one member of the planning board shall be so qualified and appointed.

(2) The city clerk shall formally notify the county clerk of the existence of the next vacant position that occurs on the planning board on or after January 1, 1998, within ten days after the date of the vacancy. The county board, within thirty days

after such notice, shall hold a meeting to consider nominations for appointment to the vacancy and shall appoint a person qualified under subsection (1) of this section to fill the vacancy. Prior to holding such meeting, the county board shall cause to be published a notice of the vacancy and the date of the meeting. The notice shall be published in a newspaper of general circulation in the county in which such planning board is located at least once in each of the two weeks immediately preceding the week of the meeting. A nominee for the vacancy shall be appointed by majority vote of the county board. The appointee shall become a member of the planning board when the city clerk receives certification from the county clerk of the name of the appointee.

(3) Following the initial appointment of the extraterritorial member to the planning board pursuant to this section, the city clerk shall inform the county clerk of any vacancy occurring in the extraterritorial member's position within ten days after its occurrence or at least thirty days prior to the expiration of the extraterritorial member's term.

(4) Any person qualified and appointed under this section shall serve for terms equal to that of the planning board members who reside within the corporate boundaries of the city and shall become a member of the planning board with all rights, duties, responsibilities, and perquisites appertaining to the position by state law, city charter, or city ordinance.

(5) For purposes of this section:

(a) Area of extraterritorial jurisdiction means the area outside the corporate boundaries of a city of the metropolitan class but within the largest area subject to such city's zoning, planning, and concomitant jurisdiction as described in sections 14-116, 14-418, and 14-419;

(b) City means a city of the metropolitan class;

(c) County board means the county board of a county in which a city of the metropolitan class is located;

(d) County clerk means the county clerk of a county in which a city of the metropolitan class is located; and

(e) Planning board means a planning board as organized pursuant to section 14-407.

Sec. 4. Original section 14-373, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 4, after the semicolon insert "to state intent; to define terms; to harmonize provisions;".

LEGISLATIVE BILL 1373. Placed on Select File as amended.
E & R amendment to LB 1373:
AM7218

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. It is the intent of the Legislature to accurately and objectively measure the costs and benefits of tax

incentives granted by state and local government to businesses, individuals, and communities using the tax incentives. The Legislature desires to establish objective and measurable standards by which the State of Nebraska and local governments may in the future determine benefits of tax incentives. It is the intent of the Legislature to apply measurable cost-benefit standards to tax incentives and projects.

Sec. 2. The Review Incentives Program Committee is created. The committee shall consist of six members, three appointed by the Executive Board of the Legislative Council, a representative of the Tax Commissioner, a representative of the Director of Economic Development, and a representative of the Legislative Fiscal Analyst. All members shall have demonstrated expertise in economics, public finance, and financial analysis. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

The Review Incentives Program Committee shall exist for two years after the effective date of this act, during which time it shall have the authority to examine models and methods for measuring the costs and benefits of tax incentive projects and statutory incentives. The committee shall consider, develop, and provide a brief review to the Legislature of a list of representative projects created under state law, including the Air and Water Pollution Control Tax Refund Act, the Community Development Law, the Employment and Investment Growth Act, the Employment Expansion and Investment Incentive Act, the Ethanol Development Act, the Local Option Municipal Economic Development Act, the Nebraska Investment Finance Authority Act, the Quality Jobs Act, the Research and Development Authority Act, the Small Business Development Authority Act, and sections 18-418, 18-2147 to 18-2154, and 70-655. In selecting and analyzing the representative projects, confidentiality requirements which are applicable to taxpayers by law are to be preserved.

Sec. 3. The Review Incentives Program Committee shall make a report of its recommendations for the development of a tax incentive cost-benefit analysis model or method to be used by the State of Nebraska on or before January 15, 1997. The committee shall review available techniques and models for use in objective measurement of costs and benefits. The committee shall develop a proposed list of measurement techniques, criteria for selection of a model, and cost-benefit analysis models for use by the Legislature. The committee shall provide a list of recommended private contractors or public agencies which can provide models and analysis.

The report shall provide advice to the Legislature on which, if any, publicly available models would be useful to taxpayers and legislators. A suggested request for proposals document shall be included in the report.

After review and approval by the Executive Board of the

Legislative Council, the Legislature may issue requests for bids to provide cost-benefit analysis models. The committee shall review all bids and may make recommendations to the executive board concerning the bidders on the project. Selection of the final bidder shall be made by the executive board.

Sec. 4. Any models proposed for use by the Review Incentives Program Committee shall consider and analyze the following factors:

(1) Tax shifts resulting from the granting of tax incentives;

(2) Public infrastructure and community public service needs impacts and local tax impacts arising from projects receiving incentives;

(3) Impacts on employers and employees of firms receiving tax incentives;

(4) Impacts on those Nebraska employers and employees not receiving direct incentives or benefits; and

(5) Any other impacts determined by the committee to be relevant to the consideration of costs and benefits arising from tax incentive programs.

Sec. 5. On or before January 1, 1998, the Review Incentives Program Committee shall present a review of current incentives and a public outcomes financial feasibility report to the Legislature. The report shall include a cost-benefit analysis of representative projects selected by the committee pursuant to section 2 of this act. The project or projects shall be reviewed using the model developed by the contractor chosen by the Executive Board of the Legislative Council. Prior to review using the model, a list of any specific projects chosen for review shall be presented to the executive board for approval or disapproval.".

LEGISLATIVE BILL 1322. Placed on Select File as amended.
E & R amendment to LB 1322:
AM7219

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Nebraska Affordable Housing Act.

Sec. 2. The Legislature finds that current economic conditions, lack of available affordable housing, federal housing policies that have placed an increasing burden on the state, and declining resources at all levels of government adversely affect the ability of Nebraska's citizens to obtain safe, decent, and affordable housing. Lack of affordable housing also affects the ability of communities to maintain and develop viable and stable economies.

Furthermore, the Legislature finds that impediments exist to the construction and rehabilitation of affordable housing. Local codes and state statutes have an important effect on

housing's affordability by placing increased costs on developers. Financing affordable housing, especially in rural areas and smaller communities, is becoming increasingly difficult. An affordable housing trust fund would assist all Nebraska communities in financing affordable housing projects.

To enhance the economic development of the state and to provide for the general prosperity of all of Nebraska's citizens, it is in the public interest to assist in the provision of safe, decent, and affordable housing in all areas of the state. The establishment of the Nebraska Affordable Housing Act will assist in creating conditions favorable to meeting the affordable housing needs of the state.

Sec. 3. The Affordable Housing Trust Fund is created. The fund may include revenue from sources recommended by the housing advisory committee established in section 4 of this act, appropriations from the Legislature, grants, private contributions, repayment of loans, and all other sources. The Department of Economic Development as part of its comprehensive housing affordability strategy shall administer the fund.

Sec. 4. (1) The Legislature finds that the development of operational rules and regulations and an appropriate source of funding is critical to the success of the Affordable Housing Trust Fund. A housing advisory committee is created to address issues related to the operation of the fund and to recommend a plan to coordinate low-income housing efforts throughout the state. On or before December 15, 1996, the committee shall recommend to the Legislature and the Governor the most viable revenue source or sources for the funding of the fund. The committee shall also recommend for public review proposals for rules and regulations to carry out the fund, including time limitations for the use of financial assistance and limitations on the administrative costs of proposed projects. For administrative purposes, the committee shall be located in the Department of Economic Development.

(2) The committee shall consist of fifteen members who represent a wide range of interests associated with the development and sales of housing. The Governor shall appoint the members and a chairperson and vice-chairperson from the members. The committee may be a committee or council previously created by statute or executive order of the Governor. The Governor shall attempt to have the nonprofit and for-profit communities equally represented on the advisory committee.

(3) The committee shall meet at the call of the chairperson or a majority of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the committee. A quorum shall be one-half of the members.

Sec. 5. The Department of Economic Development shall use the Affordable Housing Trust Fund to finance loans, grants, subsidies, credit enhancements, and other financial assistance for

community affordable housing projects.

Sec. 6. The following activities are eligible for assistance from the Affordable Housing Trust Fund:

(1) New construction, rehabilitation, or acquisition of housing to assist low-income and very low-income families;

(2) Matching funds for new construction, rehabilitation, or acquisition of housing units to assist low-income and very low-income families;

(3) Technical assistance, design and finance services, and consultation for eligible nonprofit community or neighborhood-based organizations involved in the creation of affordable housing;

(4) Matching funds for operating costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's ability to produce affordable housing;

(5) Mortgage insurance guarantees for eligible projects;

(6) Acquisition of housing units for the purpose of preservation of housing to assist low-income or very low-income families;

(7) Projects making affordable housing more accessible to families with elderly members or members who have disabilities;

(8) Projects providing housing in areas determined by the Department of Economic Development to be of critical importance for the continued economic development and economic well-being of the community and where, as determined by the department, a shortage of affordable housing exists;

(9) Infrastructure projects necessary for the development of affordable housing;

(10) Downpayment and closing cost assistance; and

(11) Housing education programs developed in conjunction with affordable housing projects. The education programs must be directed toward:

(a) Preparing potential home buyers to purchase affordable housing and postpurchase education;

(b) Target audiences eligible to utilize the services of housing assistance groups or organizations; and

(c) Developers interested in the rehabilitation, acquisition, or construction of affordable housing.

Sec. 7. Organizations which may receive assistance under the Nebraska Affordable Housing Act are governmental subdivisions, local housing authorities, community action agencies, community-based or neighborhood-based or reservation-based nonprofit organizations, and for-profit entities working in conjunction with one of the other eligible organizations. Nothing in the act shall be construed to allow individuals to receive direct loans from the Affordable Housing Trust Fund.

Sec. 8. (1) During each calendar year in which funds are available from the Affordable Housing Trust Fund for use by the

Department of Economic Development, the department shall announce a grant and loan application period of at least ninety days duration. The department shall prioritize the projects using the following criteria:

(a) The community's immediate need for affordable housing;

(b) Proposed increases in home ownership;

(c) Private dollars leveraged;

(d) Level of local government support and participation; and

(e) Repayment, in part or in whole, of financial assistance awarded by the fund.

(2) The department shall fund in order of priority as many applications as will utilize available funds less actual administrative costs of the department in administering the program. In administering the program the department may contract for services or directly provide funds to other governmental entities or instrumentalities.

Sec. 9. The Department of Economic Development, in consultation with the Nebraska Investment Finance Authority and the housing advisory committee established in section 4 of this act, shall adopt and promulgate rules and regulations to carry out the Nebraska Affordable Housing Act. The department shall monitor programs to see that only qualified individuals and families are occupying projects funded by the Affordable Housing Trust Fund.

Sec. 10. (1) The Housing Code Task Force is created. The task force shall be located in the Department of Health for administrative purposes. The task force, in consultation with state and local entities, shall examine factors influencing the cost of housing construction, including, but not limited to:

(a) State and local statutes, rules, regulations, and codes governing the construction of housing;

(b) Planning and zoning processes which influence the timing and cost of housing construction;

(c) Local regulations influencing land and infrastructure development related to housing;

(d) Alternative state and local incentives for the encouragement of housing development;

(e) Licensing and inspection requirements of state and local governments to determine duplicative or cumbersome processes or practices;

(f) Whether a fiscal estimate should be required for building code revisions, land use ordinances, or construction and design standard change proposals of state or local governments; and

(g) Whether special assessments should be allocated over a longer period of time.

(2) By December 15, 1996, the task force shall transmit to the Legislature and the Governor a report on its findings and recommendations, including at least:

(a) Model local infrastructure guidelines related to housing construction;

(b) State and local incentives for housing development;

(c) Model planning and zoning processes which avoid housing development delays;

(d) Model local building codes for affordable housing;

(e) Concerning any recommendations for changes in codes and code enforcement, a statement analyzing the cost-benefit analysis between the amount of money saved and the potential loss of quality housing and safety; and

(f) Other recommendations for facilitating the construction of housing, including the items listed in subdivisions (1)(e), (f), and (g) of this section.

(3) The task force shall consist of at least twelve members representative of the public, private, and governmental interests in development, sales, and regulation of housing. Of the twelve members, at least one member shall be a local code enforcement official, at least one member shall be a contractor involved in one of the licensed trades, and at least one member shall be an individual who actually works in the construction of housing. The Governor, in consultation with the housing advisory committee established in section 4 of this act, shall appoint the members, who shall be drawn from across the the State of Nebraska, and a chairperson and vice-chairperson from the members.

(4) The task force shall meet at the call of the chairperson or at least seven of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the task force. A quorum shall be seven of the members.

(5) The task force shall terminate on December 31, 1996, unless extended by the Legislature.".

LEGISLATIVE BILL 1050A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mrs. Witek and Mr. Bernard-Stevens filed the following amendment to LB 964:

AM3003

1. Insert the following new section:

"Sec. 12. No person shall do any electioneering or perform any action that involves solicitation or polling a registered voter of the political subdivision regarding an issue submitted at a special election conducted under section 4 of this act within twenty feet of the entrance to the place of residence of a registered voter during the period beginning with the day the ballots are mailed to the registered voters under section 5 of this

act and ending at the time the registered voter votes. Any person violating this section is guilty of a Class V misdemeanor.".

2. On page 2, line 3; and page 3, lines 8 and 16, strike "11" and insert "12".

3. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 1155:
AM3588

(Amendments to AM3387)

1. On page 11, line 27, strike "An" through "Program" and show as stricken.

2. On page 12, strike beginning with "shall" in line 1 through "technicians" in line 3, show as stricken, and insert "An Emergency Medical Technician-D Service Program shall be certified to operate with all levels of certified emergency medical care personnel and to offer such services as they may perform at their level of certification insofar that the services provided do not exceed the level of the service program certification"; and strike beginning with "An" in line 13 through "technicians-intermediate" in line 18, show the old matter as stricken, and insert "An Emergency Medical Technician-Intermediate Service Program shall be certified to operate with all levels of emergency medical care personnel and to offer such services as they may perform at their level of certification insofar that the services provided do not exceed the level of the service program certification".

Mr. Brashear filed the following amendment to LB 1263:
AM3592

1. On page 8, lines 8 and 9, reinstate the stricken matter.

Mr. Wesely filed the following amendment to LB 1368:
(Amendment, AM3555, 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 1076. Title read. Considered.

Standing Committee amendment, AM2924, found in the Journal on page 644, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM3531, found in the Journal on page 1041.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1155. Title read. Considered.

Standing Committee amendment, AM2921, printed separately and referred to on page 694, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Messrs. Schellpeper, Wickersham, Dierks, and Mrs. Hillman renewed their pending amendment, AM3387, printed separately and referred to on page 1041.

Mr. Wickersham renewed his pending amendment, AM3588, found in this day's Journal, to the Schellpeper et al. pending amendment.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The Schellpeper et al. amendment, as amended, was adopted with 29 ayes, 0 nays, 12 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.

Mr. Klein and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1174. Title read. Considered.

Standing Committee amendment, AM3174, found in the Journal on page 808, was considered.

Mr. Dierks withdrew his amendment, AM3302, found in the Journal on page 933.

Mr. Dierks renewed his pending amendment, AM3557, found in the Journal on page 1057, to the Standing Committee amendment.

The Dierks amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA494
Amend Committee Amend. (AM3174)
P. 1, line 12, strike "reasonable" and insert "probable".

The Chambers 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 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Avery filed the following amendment to LB 901:
AM3572
(Amendments to Standing Committee amendments, AM3071)
1. On page 2, line 19, after "point" insert ", except on the National System of Interstate and Defense Highways for which no point shall be assessed".
2. On page 7, line 7, strike "Seventy-five" and insert "Seventy".
3. On page 12, line 6, strike "Twenty-five" and insert "Ten".

Mr. Avery filed the following amendment to LB 901:
FA493
AM to Standing Committee AM, AM3071
1. On page 12, line 6, strike "Twenty-five" and insert "Ten".
2. On page 2, line 19, after "point" insert ", except on the National System of Interstate and Defense Highways for which no point shall be assessed".

WITHDRAW - Cointroducer

Mr. Chambers withdrew his name as cointroducer to LB 1375.

VISITORS

Visitors to the Chamber were 40 students from Saitama, Japan.

The Doctor of the Day was Pat Hotovy from York.

ADJOURNMENT

At 6:06 p.m., on a motion by Mr. Dierks, the Legislature adjourned until 8:30 a.m., Thursday, March 7, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTIETH DAY - MARCH 7, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Edward Price, All Nations Church of the Lord Jesus Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wesely who was excused; and Messrs. Abboud, Bromm, Cudaback, Engel, Fisher, Janssen, Lindsay, Robinson, Vrtiska, Will, Mmes. Bohlke, Pirsch, Robak, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 6, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Counts, Barry A. - St. Paul, MN — Sprint/United Tel-Midwest
Minor, Timothy H. - Long Grove, IL — CF Industries, Inc.
Mueller, William J./Ruth & Mueller Law Firm
Mueller, William J. - Lincoln — Nebraska AIDS Alliance
Ruth, Larry L./Ruth & Mueller Law Firm

Ruth, Larry L. - Lincoln Nebraska AIDS Alliance

SELECT FILE

LEGISLATIVE BILL 43. E & R amendment, AM7186, printed separately and referred to on page 782, was adopted.

Messrs. Wickersham and Beutler renewed their pending amendment, AM3558, found in the Journal on page 1062.

The Wickersham-Beutler amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1121. E & R amendment, AM7194, found in the Journal on page 801, was adopted.

Mr. Warner renewed his pending amendment, AM3149, found in the Journal on page 878.

The Warner amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 905. E & R amendment, AM7201, found in the Journal on page 821, was adopted.

Mmes. Pirsch and Brown renewed their pending amendment, FA465, found in the Journal on page 974.

Pending.

LEGISLATIVE BILL 972. Mr. Wickersham withdrew his amendment, FA469, found in the Journal on page 974.

Mr. Hilgert withdrew his amendment, AM3380, found in the Journal on page 974.

Mr. Hilgert and Ms. Schimek offered the following amendment:
AM3507

1. Strike original section 2 and insert the following new section:

"Sec. 4. The following sections are outright repealed: Sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 1, strike "4" and insert "3".

3. On page 3, line 4, after the period insert "Conduct

other than issuance of a charitable gift annuity, including the marketing of a charitable gift annuity, is not exempt from application of the Uniform Deceptive Trade Practices Act pursuant to this subdivision.".

4. Renumber the remaining sections accordingly.

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

Ms. Schimek withdrew her amendment, FA467, found in the Journal on page 974.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1028. Mr. Landis renewed his pending amendment, AM3043, found in the Journal on page 877.

The Landis 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.

GENERAL FILE

LEGISLATIVE BILL 1138. Title read. Considered.

Standing Committee amendment, AM2977, found in the Journal on page 669, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1138A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 922. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 922A. 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. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1336. 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 253. Title read. Considered.

Standing Committee amendment, AM0189, found in the Journal on page 614, First Session, 1995, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 253A. 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.

RESOLUTIONS

LEGISLATIVE RESOLUTION 323. Read. Considered.

LEGISLATIVE RESOLUTION 324. Read. Considered.

LEGISLATIVE RESOLUTION 325. Read. Considered.

LEGISLATIVE RESOLUTION 326. Read. Considered.

LEGISLATIVE RESOLUTION 327. Read. Considered.

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

LEGISLATIVE RESOLUTION 329. Read. Considered.

LEGISLATIVE RESOLUTION 330. Read. Considered.

LEGISLATIVE RESOLUTION 331. Read. Considered.

LEGISLATIVE RESOLUTION 332. Read. Considered.

LEGISLATIVE RESOLUTION 333. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 323, 324, 325, 326, 327, 329, 330, 331, 332, and 333 were adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

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 926: Debra J. Hansen and Dan J. Hughes - Nebraska Ethanol Board, F. Gregory Hayden - Central Interstate Low-Level Radioactive Waste Commission, and Ervain J. Friehe - Oil and Gas Conservation Commission.

Voting in the affirmative, 25:

Avery	Chambers	Hilgert	Pirsch	Vrtiska
Beutler	Coordsen	Hillman	Preister	Warner
Bohlke	Crosby	Klein	Robinson	Wehrbein
Brashear	Engel	Maurstad	Schellpeper	Wickersham
Brown	Hartnett	Pedersen	Stuhr	Will

Voting in the negative, 0.

Present and not voting, 18:

Bernard-Stevens	Dierks	Jensen	Matzke	Schrock
	Elmer	Kristensen	McKenzie	Witek
Bromm	Hudkins	Landis	Robak	Withem
Cudaback	Janssen	Lynch	Schimek	

Excused and not voting, 6:

Abboud	Jones	Lindsay	Schmitt	Wesely
Fisher				

These appointments were confirmed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Wickersham moved the adoption of the report of the Nebraska Retirement Systems Committee for the following Governor appointments found in the Journal on page 936: Robert R. Moran, Robert J. Corner, and Julia M. Moeller - Public Employees Retirement Board.

Voting in the affirmative, 25:

Abboud	Brown	Cudaback	Hartnett	Klein
Bohlke	Coordsen	Dierks	Hilgert	Maurstad
Brashear	Crosby	Engel	Hillman	Pedersen

Pirsch	Schellpeper	Vrtiska	Wehrbein	Will
Preister	Stuhr	Warner	Wickersham	Withem

Voting in the negative, 0.

Present and not voting, 19:

Avery	Bromm	Janssen	Lynch	Robinson
Bernard-Stevens	Chambers	Jensen	Matzke	Schimek
Beutler	Elmer	Kristensen	McKenzie	Schrock
	Hudkins	Landis	Robak	Witek

Excused and not voting, 5:

Fisher	Jones	Lindsay	Schmitt	Wesely

These appointments were confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 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 975: Janet Korell and Thomas C. Woods III - Nebraska Arts Council, Mathew Pelzer, Vernon L. Scott, and William M. Williams Jr. - Nebraska Advisory Commission on Compulsive Gambling, and Sterling R. Johnson - State Electrical Board.

Voting in the affirmative, 25:

Abboud	Crosby	Hillman	Preister	Vrtiska
Bernard-Stevens	Cudaback	Klein	Robak	Warner
Bohlke	Engel	Maurstad	Robinson	Wehrbein
Brashear	Hartnett	Pedersen	Schellpeper	Will
Coordsen	Hilgert	Pirsch	Stuhr	Withem

Voting in the negative, 0.

Present and not voting, 19:

Avery	Chambers	Janssen	Lynch	Schrock
Beutler	Dierks	Jensen	Matzke	Wickersham
Bromm	Elmer	Kristensen	McKenzie	Witek
Brown	Hudkins	Landis	Schimek	

Excused and not voting, 5:

Fisher	Jones	Lindsay	Schmitt	Wesely

These appointments were confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 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 1030: Randolph Ferlic, Frances C. White, John Emery, and Dr. Helen E. Morten - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 25:

Abboud	Coordsen	Hillman	Pirsch	Vrtiska
Bernard-Stevens	Crosby	Janssen	Preister	Warner
Bohlke	Engel	Klein	Robak	Wehrbein
Brashear	Hartnett	Maurstad	Schellpeper	Will
Brown	Hilgert	Pedersen	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 19:

Avery	Cudaback	Jensen	Matzke	Stuhr
Beutler	Dierks	Kristensen	McKenzie	Wickersham
Bromm	Elmer	Landis	Robinson	Witek
Chambers	Hudkins	Lynch	Schrock	

Excused and not voting, 5:

Fisher	Jones	Lindsay	Schmitt	Wesely

These appointments were confirmed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 1017. Indefinitely postponed.
LEGISLATIVE BILL 1237. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

Appropriations

LEGISLATIVE BILL 1120. Placed on General File.
LEGISLATIVE BILL 1382. Placed on General File.

LEGISLATIVE BILL 1189. Placed on General File as amended.

(Standing Committee amendment, AM3434, 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 1190. Placed on General File as amended. (Standing Committee amendment, AM3412, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 1055:
AM3551

(Amendments to AM3304)

1. On page 1, line 17, strike "29-1823 or"; strike beginning with "who" in line 19 through "insanity" in line 20 and insert "committed to treatment pursuant to section 29-3702"; in line 21 after "commitments" insert "and commitments pursuant to section 29-3702"; and in line 23 strike "that commitment" and insert "those commitments".

Mrs. Witek filed the following amendment to LB 964:
AM3605

1. Insert the following new section:

"Sec. 12. Any person who (1) impersonates or makes a false representation in order to obtain a ballot for an election to be held by mail as provided in sections 4 to 11 of this act, (2) knowingly connives to help a person to vote such a ballot illegally, (3) destroys, steals, marks, or mutilates any such ballot after the same has been voted or aids or abets another to do so, (4) delays in delivering such a ballot to the election commissioner or county clerk to prevent the ballot from arriving in time to be counted, (5) in any manner aids or attempts to aid any person to vote such a ballot unlawfully, (6) hinders or attempts to hinder a registered voter from voting any such ballot, or (7) hinders or attempts to hinder any official from delivering or counting any such ballot shall be guilty of a Class IV felony.".

2. On page 2, line 3, strike "11" and insert "12".

3. Renumber the remaining section accordingly.

Mr. Withem filed the following amendment to LB 1205:
AM3608

(Amendments to E & R amendments, AM7212)

1. Insert the following new section:

"Sec. 2. The Board of Educational Lands and Funds shall submit to the Legislative Fiscal Analyst a detailed accounting report of the costs incurred by the board in preparing the plan

required by section 1 of this act. The costs shall specify personnel, printing, and all other associated costs. Such report shall be submitted on or before December 1, 1996.".

2. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 1205:
AM3604

(Amendments to E & R amendments, AM7212)

1. On page 1, line 4, strike "all" and insert "one-half of the"; in line 5 after "control" insert "on the effective date of this act"; strike beginning with "The" in line 7 through the period in line 12 and insert "The plan shall comply with the fiduciary duties of the board, but shall provide for the sale of one-half of the educational lands by January 1, 2008, and one-third of the value of the school trust permanent portfolio being invested by the board in agricultural real property located within the State of Nebraska and the remaining two-thirds of the value of the school trust permanent portfolio being invested by the state investment officer."; and after line 22 insert the following new subsection:

"(4) For purposes of this section, value of the school trust permanent portfolio means the total fair market value of the educational lands and of all stocks, bonds, and other assets comprising the permanent school fund.".

2. On page 2, line 1, after "board" insert "and the Nebraska Investment Council" and after "shall" insert "jointly"; and in line 3 after "The" insert "board's portion of the"; and in line 11 after the period insert "The council's portion of the report shall include a cost-benefit analysis which considers the unique characteristics of the land being sold versus the anticipated investment potential of proceeds resulting from the sale. The cost-benefit analysis model used shall be consistent with the standards of the investment industry at the time of the proposed sale.".

Mr. Warner filed the following amendment to LB 1039:
AM3564

(Amendments to Final Reading copy)

1. On page 2, line 24, strike "proprietary" and insert "nonprescription".

The Appropriations Committee filed the following amendment to LB 1189:
AM3549

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:

"Sec. 26. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 910 - Modular Housing Units

	FY1995-96	FY1996-97	FUTURE

STATE BUILDING FUND	-0-	3,506,100	-0-
PROGRAM TOTAL	-0-	3,506,100	-0-

The Department of Correctional Services is hereby authorized to construct two modular housing units within the perimeter of the Nebraska State Penitentiary with the appropriation to this program. Each modular housing unit shall have a design capacity of one hundred beds for a combined capacity of two hundred beds. The total project cost shall not exceed $3,506,100. There is included in the appropriation to this program for FY1996-97 $3,506,100 from the State Building Fund to complete such construction.

No money appropriation in this section shall be expended for construction until a program statement for this project has been submitted to the building division of the Department of Administrative Services and the Legislative Fiscal Analyst and approved according to statute.".

2. On page 30, line 27, strike "; and in line 14" and insert a period.

3. On page 31, strike line 1.

4. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 335. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

WHEREAS, the State, through its Attorney General, Don Stenberg, brought an original action in quo warranto in the Nebraska Supreme Court to oust John P. Murphy, a judge of the district court, from membership on the Nebraska Commission on Law Enforcement and Criminal Justice, alleging that dual service as a judge and member of the commission violated the distribution of powers clause in Article II, section 1, of the Constitution of Nebraska; and

WHEREAS, the respondent, John P. Murphy, counterclaimed for attorney fees and costs; and

WHEREAS, the Nebraska Supreme Court, in the case of State ex rel. Stenberg v. Murphy, 247 Neb. 358 (1995), ruled for the State on relator's pleading and for the respondent on his counterclaim; and

WHEREAS, the Nebraska Supreme Court, in the case of State ex rel. Stenberg v. Murphy, 247 Neb. 358 (1995), entered an order awarding John P. Murphy six thousand thirty-one dollars and twenty-five cents to apply on his attorney fees in addition to costs, having met the conditions set out in section 24-204.01 (Reissue 1995); and

WHEREAS, the Appropriations Committee of the Legislature included funding in Legislative Bill 1189, Ninety-fourth Legislature, Second Session, 1996, in the amount of six thousand thirty-two dollars

from which appropriation payment is to be made to John P. Murphy for such attorney fees and costs; and

WHEREAS, section 24-204.01 (Reissue 1995) provides that no such payment shall be made until approval thereof shall have been given by the Legislature by resolution adopted by a majority vote of its members.

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

1. That the Legislature approves the payment of six thousand thirty-one dollars and twenty-five cents to apply on John P. Murphy's attorney fees and costs in the case of State ex rel. Stenberg v. Murphy, 247 Neb. 358 (1995), having met the conditions set out in section 24-204.01 (Reissue 1995).

2. That payment be made from six thousand thirty-two dollars General Funds appropriated to the Attorney General for FY1995-96, pursuant to section 24-204.01 (Reissue 1995).

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1190A. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Maurstad, 30;.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1190, Ninety-fourth Legislature, Second Session, 1996; to provide for transfers; and to declare an emergency.

MOTION - Reconsider Action on LB 943

Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1071, to reconsider the Stuhr motion to place LB 943 on General File.

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

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Bernard-Stevens motion to reconsider action prevailed with 26 ayes, 13 nays, 6 present and not voting, and 4 excused and not voting.

MOTION - Place LB 943 on General File

The Stuhr reconsidered motion, found in the Journal on page 997 and considered on page 1064, to have LB 943 placed on General File pursuant to Rule 3, Section 17, was pending.

Mrs. Stuhr asked unanimous consent to pass over her motion to place LB 943 on General File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1050. E & R amendment, AM7210, printed separately and referred to on page 906, was adopted.

Mr. Withem withdrew his amendment, AM3131, printed separately and referred to on page 825.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM3184, found in the Journal on page 791, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM3184, found in the Journal on page 791.

Mr. Bernard-Stevens renewed his pending substitute amendment, AM3530, found in the Journal on page 1044.

Messrs. Avery and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bernard-Stevens	Chambers	Hillman	Matzke	Vrtiska
Beutler	Cudaback	Janssen	Pirsch	Wickersham
Bohlke	Fisher	Jensen	Preister	Will
Brashear	Hartnett	Klein	Schellpeper	Witek
Bromm	Hilgert	Lindsay	Schimek	Withem

Voting in the negative, 11:

Abboud	Hudkins	Kristensen	Robinson	Warner
Coordsen	Jones	Maurstad	Schrock	Wehrbein
Elmer				

Present and not voting, 7:

Brown	Dierks	McKenzie	Robak	Stuhr
Crosby	Engel			

Absent and not voting, 1:

Landis

Excused and not voting, 5:

Avery	Lynch	Pedersen	Schmitt	Wesely

The Bernard-Stevens amendment was adopted with 25 ayes, 11 nays, 7 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Mr. Maurstad withdrew his amendment, AM3250, found in the Journal on page 831.

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

Mr. Maurstad renewed his pending amendment, AM3356, found in the Journal on page 945.

Messrs. Hartnett, Lindsay, Engel, Mmes. Hudkins, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Maurstad requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Abboud	Coordsen	Maurstad	Witek	Withem
Beutler	Jones			

Voting in the negative, 23:

Bernard-Stevens	Crosby	Hillman	McKenzie	Vrtiska
Bohlke	Cudaback	Janssen	Pirsch	Warner
Bromm	Elmer	Jensen	Preister	Wickersham
Brown	Fisher	Kristensen	Robinson	Will
	Hilgert	Matzke	Schrock	

Present and not voting, 6:

Brashear	Dierks	Robak	Schellpeper	Schimek
Chambers				

Absent and not voting, 1:

Landis

Excused and not voting, 12:

Avery	Hudkins	Lynch	Schmitt	Wehrbein
Engel	Klein	Pedersen	Stuhr	Wesely
Hartnett	Lindsay			

The Maurstad amendment lost with 7 ayes, 23 nays, 6 present and not voting, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Dierks, Hilgert, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek and Mr. Beutler asked unanimous consent to replace their pending amendment, AM3285, found in the Journal on page 1033, with a substitute amendment. No objections. So ordered.

Ms. Schimek and Mr. Beutler withdrew their amendment, AM3285, found in the Journal on page 1033.

MR. COORDSEN PRESIDING

Ms. Schimek and Mr. Beutler offered the following substitute amendment:
AM3631
(Amendments to Standing Committee amendments, AM7210)
1. On page 13, line 21, after "allowance" insert "and minus the special education allowance".
2. On page 18, line 7, after "(29)" insert "Special education allowance means the allowable costs in the most recently

available complete data year for kindergarten through grade twelve special education as defined in section 79-3305 not otherwise excluded from general fund operating expenditures, including special education transportation expenditures, except that for school year 1997-98 and each school year thereafter the special education allowance shall not exceed the result of (a) dividing the prior year's special education allowance by the number of special education students in the district in the year preceding the most recently available complete data year, (b) increasing the result by three percent, and (c) multiplying the amount calculated in subdivision (b) of this subdivision by the number of special education students in the district in the most recently available complete data year, and for any school district which had no special education students in any data year, the special education allowance shall be equal to the statewide average allowable costs for kindergarten through grade twelve special education divided by the statewide total number of special education students for the same data year;

(30)"; in line 10 strike "(30)" and insert "(31)"; in line 12 strike "(31)" and insert "(32)"; and in line 15 strike "(32)" and insert "(33)".

3. On page 19, line 3, strike "(33)" and insert "(34)".

4. On page 48, line 15; and page 58, line 14, after "products" insert ", the district's special education allowance,".

SPEAKER WITHEM PRESIDING

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

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mrs. Witek requested a record vote on the Schimek-Beutler amendment.

Voting in the affirmative, 26:

Beutler	Engel	Hudkins	Lynch	Vrtiska
Bohlke	Fisher	Janssen	Maurstad	Warner
Brashear	Hartnett	Kristensen	McKenzie	Wehrbein
Bromm	Hilgert	Landis	Preister	Will
Crosby	Hillman	Lindsay	Schimek	Withem
Cudaback				

Voting in the negative, 7:

Abboud	Matzke	Robak	Robinson	Stuhr

Wickersham Witek

Present and not voting, 11:

Bernard-Stevens	Chambers	Jensen	Pirsch	Schmitt
Brown	Coordsen	Klein	Schellpeper	Schrock
	Elmer			

Excused and not voting, 5:

Avery	Dierks	Jones	Pedersen	Wesely

The Schimek-Beutler amendment was adopted with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

Pending.

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

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 948:

(1)

FA496
Amend AM3012
P. 1, strike section 3

(2)

FA497
Amend AM3012
P. 1, strike section 4

(3)

FA498
Amend AM3012
P. 1, strike section 5

(4)

FA499
Amend AM3012
P. 1, strike section 5

(5)

FA500
Amend AM3012

P. 2, strike section 9

(6)

FA501
Amend AM3012
P. 2, strike section 10

(7)

FA502
Amend AM3012
P. 2, strike section 12

(8)

FA503
Amend AM3012
P. 2, strike section 13

(9)

FA504
Amend AM3012
P. 3, strike section 16

(10)

FA505
Amend AM3012
Pp. 3-6, strike section 22

(11)

FA506
Amend AM3012
P. 9, strike section 25

(12)

FA507
Amend AM3012
P. 11, strike section 28

(13)

FA508
Amend AM3012
Pp. 14-16, strike section 35

(14)

FA509
Amend AM3012
P. 18, line 4, strike "February" and insert "March".

(15)

FA510

Amend AM3012
P. 23, strike section 41

(16)

FA511
Amend AM3012
P. 24, line 21, strike beginning with "as" through the period in line 22, and insert, "not to exceed ten dollars."

(17)

FA512
Amend AM3012
Pp. 27 & 28, strike sections 52 & 55.

(18)

FA513
Amend AM3012
P. 44, line 12, strike "ten" and insert "five"

(19)

FA514
Amend AM3012
P. 45, strike section 94.

(20)

FA515
Amend AM3012
Pp. 45-46, strike section 96.

(21)

FA516
Amend AM3012
P. 46, strike section 98

(22)

FA517
Amend AM3012
P. 48, strike section 101

(23)

FA518
Amend AM3012
Pp. 51, 52, strike section 105

(24)

FA519
Amend AM3012
P. 52, strike section 108.

(25)

FA520
Amend AM3012
Pp. 58-60, strike sections 111-112

Mr. Bernard-Stevens filed the following amendment to LB 1044:
AM3562

1. Insert the following new section:

"Sec. 919. Section 83-176, Reissue Revised Statutes of Nebraska, is amended to read:

83-176. (1) Whenever any person is sentenced or committed under any provision of law to a specific facility within the department or to the custody of the warden or superintendent of such facility, he or she shall be deemed to be sentenced or committed to the department.

(2) The director may designate as a place of confinement of a person committed to the department any available, suitable, and appropriate residence facility or institution, whether or not operated by the state, and may at any time transfer such person from one place of confinement to another. ~~subject to the following:~~

~~(a) A minor declared to be as described in subdivision (3) of section 43-247 shall not be assigned or transferred to any facility designed primarily for the imprisonment of adult committed offenders.~~

~~(b) A minor declared to be as described in subdivision (1), (2), or (4) of section 43-247 shall not be assigned or transferred to any facility designed primarily for the imprisonment of adult committed offenders unless the minor is sixteen years of age or older and is a serious threat to the safety of persons in other facilities. The determination as to whether the minor is a serious threat to safety shall be made only after a juvenile court hearing in the court of original disposition at which the minor shall have the right to be represented by counsel.~~".

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Mr. Bernard-Stevens filed the following amendment to LB 604:
AM3589

(Amendments to E & R amendments, AM7220)

1. Insert the following new section:

"Sec. 5. A legal voter of any school district included within an affiliated school system is eligible to vote in any election or vote relating to school issues or educational issues in the affiliated school system or in any school district within such affiliated school system.".

2. Renumber the remaining sections accordingly.

Mr. Warner filed the following amendment to LB 1322:

AM3587

(Amendments to E & R amendments, AM7219)

1. On page 2, line 8, after "sources" insert ", except that before appropriations from the General Fund may be used as a revenue source for the Affordable Housing Trust Fund or for administrative costs of the Department of Economic Development in administering the fund, such use must be specifically authorized by a separate legislative bill passed in a legislative session subsequent to this legislative session. Any initial appropriation from the General Fund which is used as a revenue source for the Affordable Housing Trust Fund or for administrative costs shall be in an appropriations bill which does not contain appropriations for other programs" and strike "Department of" and insert "department"; in line 9 strike "Economic Development"; and in line 10 strike "fund" and insert "Affordable Housing Trust Fund".

2. On page 3, line 14, after "projects" insert "and for expenses of the department as appropriated by the Legislature for administering the fund".

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 1228. Placed on General File as amended.
Standing Committee amendment to LB 1228:
AM3389

1. On page 3, line 3; and page 10, line 1, after "fide" insert "lienholder or a bona fide".

2. On page 8, lines 14 and 15, strike "may also, to the extent practicable," and insert "shall"; in line 16 strike "alleged" and insert "or appearing to have"; and in lines 17 and 18 strike beginning with "as" through "notified" and insert ". In determining persons known to have or appearing to have an interest in the property that is the subject of the order of forfeiture, the county attorney shall conduct a records check to search for any liens against the property in the county in which the property is located, in the county in which the proceeding is conducted, and in the defendant's county of residence, if in Nebraska".

3. On page 15, line 12, after "28-431" insert "or section 4 of this act shall first be paid to any bona fide lienholder to the extent of such lienholder's interest. The remaining balance"; and in lines 13, 17, 22, and 26 after "28-431" insert "or section 4 of this act".

4. On page 19, line 26, strike "an" and insert "a known or apparent" and strike ", if known,"; and in line 27 after the period insert "In determining persons known to have or appearing to have an interest in the property that is the subject of the order of forfeiture, the county attorney shall conduct a records check to search for any liens against the property in the county in which the proceeding is conducted and in the defendant's county of

residence, if in Nebraska.".

5. On page 20, line 26, strike "lienor" and insert "lienholder".

(Signed) John Lindsay, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1053. Placed on Select File as amended.
E & R amendment to LB 1053:
AM7221

1. On page 1, line 1, strike beginning with the first comma through "sales" and insert "and finance".

2. On page 2, line 21, strike "bank or other", show as stricken, and insert "financial".

3. On page 3, line 25; and page 7, line 21, strike the comma.

LEGISLATIVE BILL 923. Placed on Select File as amended.
E & R amendment to LB 923:
AM7222

1. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

2. In the Standing Committee amendments, AM2886, on page 1, line 13, strike "state park system" and the comma; and in line 14 strike the comma.

LEGISLATIVE BILL 496. Placed on Select File.

LEGISLATIVE BILL 496A. Placed on Select File as amended.
E & R amendment to LB 496A:
AM7223

1. In the Standing Committee amendments, AM3261, on page 1, lines 3 and 10, strike "1995" and insert "1996".

2. On page 1, line 3, after "1996" insert "; and to provide for contingent transfers".

LEGISLATIVE BILL 842. Placed on Select File.

LEGISLATIVE BILL 1162. Placed on Select File as amended.
E & R amendment to LB 1162:
AM7224

1. On page 1, line 4, after "health" insert "in cities of the second class and villages".

LEGISLATIVE BILL 1363. Placed on Select File.

LEGISLATIVE BILL 1044A. Placed on Select File as amended.

E & R amendment to LB 1044A:
AM7225

1. In the Wehrbein et al. amendment, AM3376, on page 1, line 20, after "Services" insert "Operations".

2. In the Wesely amendment, AM3489, on page 1, line 16, strike "(1)" and insert "(a)"; in line 18 strike "(2)" and insert "(b)"; and in line 20 strike "(3)" and insert "(c)".

3. On page 1, line 10, strike "3,"; in line 15 strike "an operative date; and" and insert "operative dates;"; and in line 16 after "sections" insert "; and to declare an emergency".

4. On page 5, lines 10 and 11, after "Office" insert "-- Institutions".

5. On page 16, line 26, strike "Support" and insert "Licensure".

6. On page 22, line 24, after the first comma insert "Department of Health and Human Services".

7. On page 23, lines 19, 21 and 22, 26, and 28; and page 24, lines 5 and 7, strike "Office of".

8. On page 23, lines 20, 22, and 27; and page 24, lines 1, 5, and 7, after "Services" insert "Operations".

9. On page 26, line 16, before "There" insert "(1)"; and in line 21 strike "(1)" and insert "(2)".

10. On page 27, line 2, strike "(2)" and insert "(3)"; in line 11 strike "(3)" and insert "(4)"; and in line 20 strike "(4)" and insert "(5)".

11. On page 39, line 9, after "Services" and insert "Finance and Support".

12. On page 41, line 11, strike "25" and insert "26".

13. On page 51, line 5, after "federal" insert "fund".

14. On page 69, line 14, strike "and".

15. On page 77, line 24, after "to" insert "the Department of".

16. On page 78, line 5, after the comma insert "Department of".

17. On page 80, line 10, strike "6" and insert "7".

18. On page 86, line 6, strike "3,".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 1050. Mr. Wickersham withdrew his amendment, AM3490, found in the Journal on page 1044.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM3542, found in the Journal on page 1062, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM3542, found in the Journal on page 1062.

Mr. Wickersham offered the following substitute amendment:
FA521
Amendment to E&R amendment, AM7210
On page 70, line 11, after "sources" insert ", including the amounts transferred pursuant to sections 4 and 7, LB 700, Ninety-fourth Legislature, Second Session, 1996,"

The Wickersham amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

MOTION - Reconsider Action on LB 901

Mrs. McKenzie moved to reconsider the vote on the Wickersham amendment AM3277 to LB 901. (Journal page 975)

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1218A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1995, LB 392, sections 49, 56, 108, 110, and 254; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1218, Ninety-fourth Legislature, Second Session, 1996; to provide for transfers; to provide an operative date; to repeal the original sections; and to declare an emergency.

AMENDMENTS - Print in Journal

Mmes. Hudkins, Stuhr, and Robak filed the following amendment to LB 1244:
AM3569
1. On page 3, line 6, strike beginning with "Before" through "in", show as stricken, and insert "In"; and strike beginning with the comma in line 7 through "court" in line 9 and show as stricken.

Mmes. Hudkins, Stuhr, and Robak filed the following amendment to LB 1244:
AM3570
1. Strike the original sections and insert the following

new sections:

"Section 1. Section 24-810, Reissue Revised Statutes of Nebraska, is amended to read:

24-810. (1) ~~When a final determination of a district, county, or separate juvenile court judicial vacancy has been made pursuant to section 24-809.04 or in~~ In the event of a judicial vacancy, ~~in any other court,~~ the Clerk of the Supreme Court shall contact the chairperson of the judicial nominating commission relating to such vacancy and shall ascertain from him or her a time and place for the first meeting of such judicial nominating commission, at which time a public hearing will be held. The first public hearing shall be held within sixty days after final determination of the vacancy occurs. The chairperson shall notify each commission member in writing of the time and place of the meeting and shall also cause appropriate notice to be published by various news media of the time and place of the public hearing of the judicial nominating commission and of the interest of the commission in receiving information relating to qualified candidates for the judicial vacancy. Any lawyer meeting the statutory requirements to serve as a judge who is interested in being nominated and appointed to such judgeship shall signify his or her interest by filing the appropriate application with the proper entity at least twenty-one days prior to the public hearing. At least ten days prior to the public hearing, the chairperson shall release to the public the names of all lawyers who have applied for such judgeship. Any member of the public shall be entitled to attend the public hearing to express, either orally or in writing, his or her views concerning candidates for the judicial vacancy.

(2) After the public hearing, the judicial nominating commission shall hold such additional private or confidential meetings as it determines to be necessary. Additional information may be submitted in writing to the commission at any time prior to its selection of qualified candidates to fill the vacancy. The commission shall make such independent investigation and inquiry as it considers necessary or expedient to determine the qualifications of candidates for the judicial vacancy and shall take such action as it deems necessary or expedient to encourage qualified candidates to accept judicial office or nomination for judicial office.

(3) The judicial nominating commission may, before or after the hearing provided for in subsection (1) of this section, institute a search for additional candidates. If additional candidates are obtained, the commission shall hold further public hearings in the same manner as provided in such subsection.

(4) The names of candidates shall be submitted to the Governor within ninety days after the date a final determination has been made of a district, county, or separate juvenile court judicial vacancy or, in the event of a judicial vacancy in any

other court, after a judicial vacancy occurred if one public hearing is held and within one hundred twenty days if more than one public hearing is held.

Sec. 2. Original section 24-810, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following sections are outright repealed: Sections 24-809.04, 24-809.05, and 24-1201 to 24-1206, Reissue Revised Statutes of Nebraska.".

Mmes. Hudkins, Stuhr, and Robak filed the following amendment to LB 1244:

AM3571

1. Strike the original sections and insert the following new sections:

"Section 1. Section 24-503, Reissue Revised Statutes of Nebraska, is amended to read:

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 2, 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. 2. Section 24-809.04, Reissue Revised Statutes of Nebraska, is amended to read:

24-809.04. For purposes of sections 24-809.05 and 24-810, the date of a final determination of a district, county, or separate juvenile court judicial vacancy shall be:

(1) The date a judicial vacancy is ~~determined~~ declared by the Judicial Resources Commission pursuant to section 24-1204; ~~or 24-1206;~~ or

(2) If a determination is made by the ~~commission~~ Legislature that a move of a judgeship from one district to another or between county and district court, a new judgeship, or a change in number of judicial districts or boundaries is appropriate pursuant to section ~~24-1204 or 24-1205~~ 24-1206, the date the Governor approves legislation or the Legislature overrides a veto of legislation creating or moving a judicial vacancy.

Sec. 3. Section 24-1204, Reissue Revised Statutes of Nebraska, is amended to read:

24-1204. In the event of the death, retirement, resignation, or removal of a district, county, or separate juvenile judge or the failure of a district, county, or separate juvenile judge to be retained in office, the:

~~(1) If the most recent judicial workload statistics compiled pursuant to section 24-1007 demonstrate that the affected judicial district has a judicial workload average equal to or above the median of judicial workload averages for the state as a whole, a judicial vacancy shall exist in the affected judicial district.~~ ~~The~~ chairperson of the Judicial Resources Commission shall ~~then~~ declare that a judicial vacancy exists, the Supreme Court, in the case of a county or district court, shall determine the site of the primary office location, and the Clerk of the Supreme Court shall proceed with notification of the judicial nominating commission relating to such vacancy pursuant to section 24-810. ~~; or~~

~~(2) If the most recent judicial workload statistics compiled pursuant to section 24-1007 demonstrate that the affected judicial district has a judicial workload average below the median of judicial workload averages for the state as a whole, the Judicial Resources Commission shall, after holding a public~~

~~hearing, determine whether a judicial vacancy exists in the affected district or any other judicial district or whether a new judgeship or change in number of judicial districts or boundaries is appropriate. The public hearing may include videoconferencing.~~

Sec. 4. Section 24-1205, Reissue Revised Statutes of Nebraska, is amended to read:

24-1205. By December 15~~, 1995, and~~ of each year, ~~thereafter,~~ the Judicial Resources Commission shall hold a public hearing to determine whether (1) a new judgeship is appropriate in any judicial district or a reduction in judgeships is appropriate in any judicial district or (2) the judicial district boundaries or the number of judicial districts should be changed for the district or county courts. The commission shall also examine current caseload statistics and make any appropriate recommendations for the more balanced use of existing judicial resources. The public hearing may include videoconferencing. The State Court Administrator shall provide adequate administrative support and information as requested by the commission. A report of this hearing and any recommendations shall be filed by the commission with the Legislature, the Governor, and the Supreme Court on or before December 31 of each year.

Sec. 5. Section 24-1206, Reissue Revised Statutes of Nebraska, is amended to read:

24-1206. The Judicial Resources Commission's determination of whether ~~a judicial vacancy exists or~~ a new judgeship, a reduction in judgeships, a change in number of judicial districts or boundaries, or the reallocation of a judgeship from a district, county, or separate juvenile court in one judicial district to a district, county, or separate juvenile court in another judicial district is appropriate pursuant to section ~~24-1204 or~~ 24-1205 shall be based upon (1) its analysis of judicial workload statistics compiled pursuant to section 24-1007, (2) whether litigants in the judicial district have adequate access to the courts, (3) the population of the judicial district, (4) other judicial duties and travel time involved within the judicial district, and (5) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service. The State Court Administrator shall provide adequate administrative support and information as requested by the commission. After making a determination, the commission shall report the results to the Legislature and recommend any legislative changes which are needed. ~~If no changes in existing law are needed and none are recommended by the commission, no legislative action shall be necessary to fill any judicial vacancy determined to exist.~~ The Legislature shall not change the number of judgeships ~~create a new judgeship~~ unless the commission recommends ~~the creation of a new judgeship~~ such change in its report. If legislative action is required but none is taken in the next legislative session following the report, the commission shall hold another hearing on the matter and shall

~~determine whether a judicial vacancy exists or~~ again recommend legislative changes to the Legislature in its report. The number of judgeships, judicial boundaries, and the number of judicial districts shall not change until the Legislature amends the appropriate statutes to make the change.

Sec. 6. Sections 1 and 7 of this act become operative on July 1, 1996. The other sections of this act become operative on January 1, 1996.

Sec. 7. Original section 24-503, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 8. Original sections 24-809.04 and 24-1204 to 24-1206, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mmes. Hudkins, Stuhr, and Robak filed the following amendment to LB 1244:

AM3568

1. Insert the following new sections:

"Sec. 3. Section 29-2246, Reissue Revised Statutes of Nebraska, is amended to read:

29-2246. As used in the Nebraska Probation Administration Act and 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~~ the Nebraska Juvenile Code;

(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. 4. Section 43-245, Reissue Revised Statutes of Nebraska, is amended to read:

43-245. For purposes of the Nebraska Juvenile Code, unless the context otherwise requires:

(1) Parent shall mean one or both parents or a stepparent when such stepparent is married to the custodial parent as of the filing of the petition;

(2) Parties shall mean the juvenile as described in section 43-247 and his or her parent, guardian, or custodian;

(3) Juvenile court shall mean the separate juvenile court where it has been established ~~pursuant to sections 43-2,111 to 43-2,127~~ and the county court sitting as a juvenile court in all other counties. Nothing in the Nebraska Juvenile Code shall be construed to deprive the district courts of their habeas corpus, common-law, or chancery jurisdiction or jurisdiction acquired in an action for divorce, legal separation, or annulment;

(4) Traffic offense shall mean any nonfelonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction;

(5) Juvenile shall mean any person under the age of eighteen;

(6) Age of majority shall mean nineteen years of age; and

(7) Cost or costs shall mean (a) the sum or equivalent expended, paid, or charged for goods or services, or expenses incurred, or (b) the contracted or negotiated price.

Sec. 5. Section 43-2,112, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,111. ~~Each county of this state having a population of seventy-five thousand or more inhabitants shall constitute a separate juvenile court judicial district. There shall be established in each such juvenile court judicial district of this state a separate juvenile court whenever the establishment thereof shall be authorized by a majority of the electors of any such county voting thereon. The~~ A separate juvenile court is established in Sarpy County and in district court judicial districts 3, 4, and 5. A court so established ~~shall be~~ is a court of record.

Sec. 6. Section 43-2,119, Revised Statutes Supplement, 1995, is amended to read:

43-2,119. (1) The number of judges of the separate juvenile courts ~~court in counties which have established a separate juvenile court~~ shall be:

(a) In district court judicial district 5, one judge;

(b) In Sarpy County, before ~~Before~~ July 1, 1996, one judge ~~in counties having seventy-five thousand inhabitants but less than two hundred thousand inhabitants,~~ and on and after July 1, 1996, two judges; ~~in such counties;~~

~~(b) Two~~ (c) In district court judicial district 3, two judges; and ~~in counties having at least two hundred thousand~~

~~inhabitants but less than four hundred thousand inhabitants; and~~

(d) In district court judicial district 4, before ~~(c) Before~~ July 1, 1997, three judges ~~in counties having four hundred thousand inhabitants or more,~~ and on and after July 1, 1997, four judges, ~~in such counties.~~

(2) In ~~counties~~ separate juvenile courts 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. 9. The following sections are outright repealed: Sections 43-2,112 and 43-2,127, Revised Statutes Supplement, 1994.".

2. On page 5, line 7, strike "and 24-503" and insert ", 24-503, 29-2246, 43-245, and 43-2,111"; and in line 8 after the comma insert "and section 43-2,119, Revised Statutes Supplement, 1995,".

3. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 604:
AM3386

(Amendments to E & R amendments, AM7220)

1. Insert the following new sections:

"Sec. 5. Section 79-444, Revised Statutes Supplement, 1995, as amended by section 18, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

(1) Except as provided in subsection (2) of this section, the school board or board of education of any school district shall not admit any child into the kindergarten or beginner grade of any school of such school district unless such child has reached the age of five years or will reach such age on or before October 15 of the current year.

(2) The board may admit a child who will reach the age of five between October 16 and February 1 of the current school year if the parent or guardian requests such entrance and provides an affidavit stating that (a) the child attended kindergarten in another jurisdiction that would allow admission in the current school year, ~~or~~ (b) the family anticipates a relocation to another jurisdiction within the current year, or (c) the child has demonstrated through recognized assessment procedures approved by the board that he or she is capable of carrying the work of kindergarten or the beginner grade.

(3) The board may require a birth certificate prior to entrance of a child into the beginner grade and shall require evidence of a physical examination by a physician, physician assistant, or nurse practitioner within six months prior to the entrance of a child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade

of the local school, except that no such physical examination shall be required of any child whose parent or guardian objects in writing. The cost of such physical examination shall be borne by the parent or guardian of each child who is examined.

Sec. 8. Sections 5, 8, and 9 of this act become operative on their effective date with the emergency clause. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 9. Original section 79-444, Revised Statutes Supplement, 1995, as amended by section 15, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is repealed.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mrs. Witek filed the following amendment to LB 1050:
FA495

On page 7 lines 8 & 9 strike 'for rehabilitation of the student.'

Mr. Bromm filed the following amendment to LB 1050:
AM3584

(Amendments to E & R amendments, AM7210)

1. On page 19, line 10; page 22, line 4; page 24, line 18; page 30, line 3; page 36, line 13; page 40, lines 14 and 26; page 46, line 27; page 48, line 7; page 52, line 13; page 55, line 25; page 56, line 5; page 57, line 27; and page 58, line 7, strike "1996-97" and insert "1997-98".

2. On page 40, line 6, strike "and 1995-96" and insert ", 1995-96, and 1996-97".

3. On page 41, line 2, strike "1997-98" and insert "1998-99"; and in line 18 strike "1996" and insert "1997" and strike "2001" and insert "2002".

4. On page 46, line 22, strike "2005" and insert "2006".

5. On page 71, line 6, strike "on" through "date" and insert "three calendar months after adjournment of this legislative session".

Mrs. Bohlke filed the following amendment to LB 1050:
AM3632

(Amendments to E & R amendments, AM7210)

1. Insert the following new sections:

"Sec. 15. Section 79-3806.01, Revised Statutes Supplement, 1995, is amended to read:

79-3806.01. ~~When~~ In addition to any funding calculated under section 14 of this act, when two or more districts consolidate into one or more reorganized districts:

(1) In the base fiscal year, the reorganized district shall receive as state aid one hundred percent of the state aid or portion thereof calculated for the individual districts involved in the reorganization in the fiscal year prior to the base fiscal

year, or the total amount the reorganized district would receive under section 79-3806 and sections 9 and 13 of this act, whichever is greater;

(2) In the first fiscal year after the base fiscal year, the reorganized district shall receive as state aid sixty-six percent of the state aid or portion thereof calculated for the individual districts in the fiscal year prior to the base fiscal year, or the total amount the reorganized district would receive under section 79-3806 and sections 9 and 13 of this act, whichever is greater;

(3) In the second fiscal year after the base fiscal year, the reorganized district shall receive as state aid thirty-three percent of the state aid or portion thereof calculated for the individual districts in the fiscal year prior to the base fiscal year, or the total amount the reorganized district would receive under section 79-3806 and sections 9 and 13 of this act, whichever is greater; and

(4) In the third fiscal year after the base fiscal year and in each fiscal year thereafter, the reorganized district shall receive the amount of state aid to which it is entitled under section 79-3806 and sections 9 and 13 of this act.

If the total amount of payments under this section to school districts for a school year exceeds the total amount appropriated under subsection (2) of section 79-3806 for fiscal year 1994-95, the incentive payment shall be reduced proportionately so that the total amount of aid under this section does not exceed the amount appropriated under subsection (2) of section 79-3806 for fiscal year 1994-95.

The provisions of this section shall not affect any calculations for equalization aid distributed prior to fiscal year 1995-96.

Sec. 18. Section 79-3808, Reissue Revised Statutes of Nebraska, is amended to read:

79-3808. (1) District formula resources shall include local effort rate yield which shall be computed as prescribed in this section.

(2) The local effort rate shall be determined by the department. The local effort rate shall be the rate which, when multiplied by the total adjusted valuation of all taxable property in districts receiving equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act, will produce the amount needed to support the total formula need of such districts when added to state aid appropriated by the Legislature for the ensuing school year and other actual receipts of districts described in section 79-3811. The local effort rate for Class I districts, Class VI districts, and county nonresident high school tuition funds shall be based on the following schedule.

Grades for which	Percentage of local

District	legally responsible	effort rate
Class I	kindergarten through six	44.8276
Class I	kindergarten through eight	61.3793
Class VI	seven through twelve	55.1724
Class VI	nine through twelve	38.6207
County non-resident high school tuition funds	nine through twelve	38.6207

(3) For Class I, II, III, IV, V, and VI districts and, except as provided in subsection (5) of this section, for the nonresident high school tuition fund of each county, the local effort rate yield shall be determined by multiplying each district's total adjusted valuation by the local effort rate.

(4)(a) For the calculation of state aid to be paid in school years 1992-93 and 1993-94, in addition to the local effort rate yield calculated pursuant to subsection (3) of this section, district formula resources for each Class II, III, IV, V, and VI district shall include 38.6207 percent of the local effort rate multiplied by the sum of: (i) The assessed valuation from the current school year of Class I districts or portions thereof that in the current school year are not part of a Class VI district and are not affiliated but will be affiliated or merged with the Class II, III, IV, V, or VI district for the school year in which the calculated state aid is to be paid; and (ii) the assessed valuation from the most recently available complete data year of Class I districts or portions thereof that in the most recently available complete data year were not part of a Class VI district and were not affiliated but were affiliated or merged with the Class II, III, IV, V, or VI district for the current school year.

(b) For the calculation of state aid to be paid in school year 1994-95 and each school year thereafter, in addition to the local effort rate yield calculated pursuant to subsection (3) of this section, district formula resources for each Class II, III, IV, and V district shall include 38.6207 percent of the local effort rate multiplied by the adjusted valuation ~~for the year in which the aid is to be paid as certified pursuant to section 79-3809~~ of Class I districts or portions thereof that are affiliated with such district for such year.

(5) For the calculation of state aid to be paid in school year 1993-94 and each school year thereafter, local effort rate yield for the nonresident high school tuition fund of each county shall be determined by multiplying 38.6207 percent of the local effort rate by the assessed valuation from Class I districts or portions thereof in such county which have not affiliated with any high school district and which are not part of a Class VI district for the school year in which the aid is to be paid.".

2. On page 1, line 14, after "disburse" insert "or allocate".

3. On page 11, line 13, strike "16" through "32" and insert "and 16".

4. On page 13, lines 25 and 26 strike the new language; and in line 26 strike "year", show as stricken, and insert "years" and after "and" insert "1995-96, adjusted valuation means the adjusted valuation for the property tax year ending during the school year in which the aid based upon that value is to be paid. For calculation of state aid to be paid in school year 1996-97 and".

5. On page 14, strike beginning with "Base" in line 24 through "(8)" in line 27.

6. On page 15, line 2, strike "(9)" and insert "(8)"; in line 7 strike "(10)" and insert "(9)"; in line 9 strike "reorganization" and insert "dissolution"; in line 11 strike "(11)" and insert "(10)"; in line 13 strike "(12)" and insert "(11)"; in line 15 strike "(13)" and insert "(12)"; in line 19 strike "(14)" and insert "(13)"; in line 21 strike "(15)" and insert "(14)"; and in line 24 strike "(16)" and insert "(15)".

7. On page 16, line 1, strike "(17)" and insert "(16)"; in line 3 strike "(18)" and insert "(17)"; in line 20 strike "(19)" and insert "(18)"; and in line 23 strike "(20)" and insert "(19)".

8. On page 17, line 4, strike "(21)" and insert "(20)"; in line 6 strike "(22)" and insert "(21)"; in line 13 strike "(23)" and insert "(22)"; in line 17 strike "(24)" and insert "(23)"; in line 20 strike "(25)" and insert "(24)"; and in line 25 strike "(26)" and insert "(25)".

9. On page 17, line 25; and page 18, lines 16 and 23, strike "pupil" and insert "route".

10. On page 18, line 1, strike "(27)" and insert "(26)"; in line 4 strike "(28)" and insert "(27)"; in line 7 strike "(29)" and insert "(28)"; in line 10 strike "(30)" and insert "(29)"; in line 12 strike "(31)" and insert "(30)"; and in line 15 strike "(32)" and insert "(31)".

11. On page 19, line 1, after "year" insert ". For school fiscal year 1996-97, the determination of the transportation allowance shall be based on the best available information previously collected by the State Department of Education and shall not include in lieu of transportation expenditures under section 79-490"; in line 3 strike "(33)" and insert "(32)"; and in line 16 after "79-3813" insert an underscored semicolon and strike the new matter.

12. On page 22, line 11 strike "sections 11 and" and insert "section".

13. On page 40, strike beginning with "payments" in line 18 through "net" in line 21 and insert "net option funding. For purposes of this section, net option funding is the sum of the products of the net number of option students in each grade range multiplied by the lesser of the statewide average adjusted tiered cost per student or the option school district's adjusted tier cost

per student for the corresponding grade range. Net"; in line 22 after "enrolled" insert "in a grade range"; in line 24 after "district" insert "in the same grade range"; and in line 25 after the period insert "A district's net option funding shall be zero if the calculation produces a negative result.".

14. On page 46, line 13, after "base" insert "fiscal"; and in line 22 strike "January 1, 2005" and insert "July 1, 2006".

15. On page 48, line 22; and page 49, line 2, after "current" insert "calendar".

16. On page 51, lines 13 and 14, strike "that" through "twelve".

17. On page 56, line 21, after "act" insert "based on estimated funding levels" and strike "certify", show as stricken, and insert "issue a projection of"; in lines 22 and 23 strike beginning with the first "the" through "and" and show as stricken; in line 23 after the period insert "On or before July 1 of each year the department shall determine the amounts to be distributed to each district pursuant to such sections based on the appropriation to the Tax Equity and Educational Opportunities Fund and the allocation from the Insurance Tax Fund and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, and each district. The certified"; and in lines 23 through 27 strike the new matter.

18. On page 57, strike lines 1 through 9.

19. Amend the operative date and repealer sections so that sections 15 and 18 added by this amendment becomes operative on its effective date with the emergency clause.

20. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 1050:
AM3619

(Amendments to E & R amendments, AM7210)

1. Insert the following new section:

"Sec. 4. Section 79-516.08, Reissue Revised Statutes of Nebraska, is amended to read:

79-516.08. (1) Commencing with the 1992-93 school year, if the fall school district membership or the average daily membership of an existing Class II or III school district shows less than thirty-five students in grades nine through twelve, the district shall submit a plan for developing cooperative programs with other high schools, including the sharing of curriculum and certificated and noncertificated staff, to the county committee for the reorganization of school districts of the county in which the school district is located. The cooperative program plan shall be submitted by the school district by September 1 of the year following such fall school district membership or average daily membership report. A cooperative program plan shall not be required if there is no high school within fifteen miles from such

district on a reasonably improved highway. The county committee shall review the plan and provide advice and communication to such school district and other high schools.

(2)(a) If for two consecutive years the fall school district membership, or for two consecutive years the average daily membership, of an existing Class II or III school district is less than twenty-five pupils in grades nine through twelve or if for one year an existing Class II or III school district contracts with a neighboring school district or districts to provide educational services for all of its pupils in grades nine through twelve, such school district shall, except as provided in subsection (3) of this section, become a Class I school district through the order of the county superintendent if the high school is within fifteen miles on a reasonably improved highway of another high school.

(b) During the second consecutive year an existing Class II or III school district has less than twenty-five pupils in grades nine through twelve pursuant to subdivision (a) of this subsection and if the high school is within fifteen miles on a reasonably improved highway of another high school, any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefor may file a petition with a board consisting of the county superintendent, county clerk, and county treasurer, asking to have any tract or tracts of land described in the petition set off from a Class II or III school district as described in such subdivision in which it is situated and attached to an accredited district in the same county or an adjoining county thereto. The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (i) That (A) the land described in the petition is either owned by the petitioner or petitioners or that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefor and (B) such tract of land includes all such contiguous land owned or controlled by each petitioner; (ii) that the land described in the petition is located in a Class II or III district as described in subdivision (a) of this subsection and is to be attached to an accredited school district in the same county or an adjoining county thereto; and (iii) that such petition is approved by a majority of the members of the school board of the district to which such land is sought to be attached. The petition shall be verified by the oath of each petitioner. The board shall, after a public hearing on the petition and a determination that all requirements of this subdivision have been complied with, change the boundaries of the school districts so as to set off the land described in the petition and attach it to such district pursuant

to the petition. Notice of the filing of the petition and of the hearing for such petition before the board shall be given at least ten days prior to the date of such hearing by one publication in a legal newspaper of general circulation in each district and by posting a notice on the outer door of the schoolhouse in each district affected thereby, and such notice shall designate the territory to be transferred. Petitions requesting transfers of property across county lines shall be addressed jointly to the county superintendents of the counties concerned, and the petitions shall be acted upon by the county superintendents, county clerks, and county treasurers of the counties involved as one board, with the county superintendent of the county from which the land is sought to be transferred acting as chairperson of the board. When the tract of land attached is not contiguous to the district receiving such land, the transportation allowance provisions of section 79-490 shall not extend beyond the boundary line of the receiving district that existed prior to the attachment of such tract of land.

Appeals may be taken from the action of such board, or when such board fails to agree, to the district court of the county in which the land is located within twenty days after entry of such action on the records of the board by the county clerk of the county in which the land is located or within twenty days after March 15 if the board fails to act upon such petition in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county.

(c) This subsection shall not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

(3) Any Class II or III school district maintaining a four-year high school which has a fall school district membership or an average daily membership of less than twenty-five students in grades nine through twelve may contract with another school district to provide educational services for its pupils in grades nine through twelve. Such contract may continue for a period, not to exceed one year. At the end of such one-year period, the school district may resume educational services for grades nine through twelve if the average daily membership in grades nine through twelve for such school district has reached at least fifty students. If the school district has not achieved such fall school district membership or average daily membership, it shall become a Class I school district ~~as prescribed in subsection (2) of this section~~ by order of the county superintendent entered after thirty days' notice to the district but without a hearing, notwithstanding the distance on a reasonably improved highway to the nearest school district conducting a high school.

(4) For purposes of this section, when calculating fall school district membership or average daily membership, a resident school district as defined in section 79-3402 shall not count

students attending an option district as defined in section 79-3402 and a Class II or III school district shall not count foreign exchange students and nonresident students who are wards of the court or state.".

2. Amend the operative date and repealer sections so that section 4 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 1050:
AM3620

(Amendments to E & R amendments, AM7210)

1. Insert the following new section:

"Sec. 5. Section 79-3404, Reissue Revised Statutes of Nebraska, is amended to read:

79-3404. For purposes of all duties, entitlements, and rights established by law, including special education as provided in section 79-3320, except as provided in section 79-3410, option students shall be treated as resident students of the option school district. The option student may request a particular school building, but the building assignment of the option student shall be determined by the option school district.".

2. Amend the operative date and repealer sections so that section 5 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem filed the following amendment to LB 604:
AM3624

(Amendments to E & R amendments, AM7220)

1. Strike section 2 and insert the following new sections:

"Sec. 2. Section 79-402, Reissue Revised Statutes of Nebraska, is amended to read:

79-402. (1) The county superintendent shall create a new school district from other districts, change the boundaries of any district, or affiliate a Class I district or portion thereof with one or more existing Class II, III, IV, or V districts upon receipt of petitions signed by ~~sixty~~ more than fifty percent of the legal voters of each district affected~~, except that petitions shall contain signatures of at least sixty-five percent of the legal voters of each district affected if the proposed change has been disapproved~~ and approved by both the state and county committees for school district reorganization. Such approval shall be granted by a majority vote of the members of each committee present and sitting as a quorum of each committee. ~~or, in the case of affiliation, if the petition has been disapproved by the county~~

~~committee pursuant to sections 79-402.14 and 79-402.15.~~ When area is added to a Class VI district or when a Class I district which is entirely or partially within a Class VI district is taken from the Class VI district, the Class VI district shall be deemed to be an affected district.

(2)(a) Petitions proposing to change the boundaries of existing school districts through the transfer of a parcel of land, not to exceed six hundred forty acres, may be acted upon and so transferred by order of the county superintendent when the petitions involve the transfer of land between Class I, II, III, IV, or V school districts or when there would be an exchange of parcels of land between Class I, II, III, IV, or V school districts if the petitions have the approval of at least sixty-five percent of each school board or board of education.

(b) The county superintendent shall not change boundaries pursuant to this section relating to affiliation of school districts if twenty percent or more of any tract of land under common ownership which is proposing to affiliate is not contiguous to the high school district with which affiliation is proposed unless (i) one or more resident students of the tract of land under common ownership has attended the high school program of the high school district within the immediately preceding ten-year period or (ii) approval of the petition or plan would allow siblings of such resident students to attend the same school as the resident students attended.

(3)(a) Petitions proposing to create a new school district, to change the boundary lines of existing school districts, to create an affiliated school system, or to affiliate a Class I district in part and to join such district in part with a Class VI district, any of which involves the transfer of more than six hundred forty acres, shall, when signed by ~~at least sixty~~ more than fifty percent of the legal voters in each district affected, be submitted to the county committee for school district reorganization. In the case of a petition for affiliation or a petition to affiliate in part and in part to join a Class VI district, the county committee shall review the proposed affiliation subject to sections 79-402.14 and 79-402.15. The county committee shall, within forty days, review and approve or disapprove such proposal and submit it to the state committee for school district reorganization, except that an affiliation petition or a petition to affiliate in part and in part to join a Class VI district shall not be submitted to the state committee and the county committee's approval or disapproval shall be final.

(b) The state committee shall, within forty days, review and approve or disapprove the proposal and return it with any recommendations deemed advisable to the county committee. The county committee shall, within fifteen days of receipt of the returned proposal, consider the action of the state committee and determine whether to give final approval or disapproval to the

proposal.

(c) The county committee shall, within fifteen days of receipt of the returned proposal or of the committee's final approval or disapproval of an affiliation petition or a petition to affiliate in part and in part to join a Class VI district, advertise and hold a public hearing at which the recommendations and action of the state and county committees are presented to the legal voters in attendance. The county committee shall hold the petitions for ten days following the hearing at the end of which time the committee shall file the petitions with the county superintendent.

(d) The county superintendent shall, within fifteen days, advertise and hold a hearing to determine the validity and sufficiency of the petitions. Upon determination, as a result of the hearing, that sufficient valid signatures are contained in the respective petitions, the county superintendent shall proceed to effect the changes in district boundary lines as set forth in the petitions.

(4) Any person adversely affected by the changes made by the county superintendent may appeal to the district court of any county in which the real estate or any part thereof involved in the dispute is located. If the real estate is located in more than one county, the court in which an appeal is first perfected shall obtain jurisdiction to the exclusion of any subsequent appeal.

(5) A signing petitioner shall be permitted to withdraw his or her name therefrom and a legal voter shall be permitted to add his or her name thereto at any time prior to the end of the ten-day period when the county committee files such petitions with the county superintendent. Additions and withdrawals of signatures shall be by notarized affidavit filed with the county superintendent.

Sec. 3. Section 79-402.13, Reissue Revised Statutes of Nebraska, is amended to read:

79-402.13. A Class I district or portion thereof which ~~is not part of a Class VI district on July 10, 1990, may, prior to February 1, 1993,~~ comes within the provisions of section 79-402.20 may file a petition for affiliation pursuant to section 79-402, 79-402.03, or 79-402.04 or a plan for affiliation pursuant to section 79-426.08 with the county superintendent to affiliate with one or more Class II, III, IV, or V districts, or to affiliate in part with one or more Class II, III, IV, or V districts and in part to become part of one or more Class VI districts. Affiliation shall be accomplished pursuant to any of the procedures prescribed in sections 79-402 to 79-402.08 and the Reorganization of School Districts Act.

Sec. 5. Section 79-402.20, Reissue Revised Statutes of Nebraska, is amended to read:

79-402.20. (1) Any Class I district which is part of a Class VI district or districts or any Class I district or portion

thereof which is affiliated or affiliated in part and also part of a Class VI district or districts and which (a) becomes subject to dissolution pursuant to section 79-420, 79-486, or 79-603 or (b) otherwise dissolves, unless otherwise prescribed in the affiliation petition, shall be merged with another affiliated Class I district, be merged with a Class II, III, IV, or V district, or be merged with a Class I district which is part of a Class VI district or districts. Any such district or portion thereof which fails to comply with this subsection shall be ~~subject to the provisions of sections 79-402.17 to 79-402.19 and shall be~~ dissolved and attached to an existing Class II, III, IV, or V district by the county superintendent of schools pursuant to section 79-420. Any such district or portion thereof which was affiliated shall retain its original affiliation, and any portion of such district which was part of a Class VI district shall remain part of such Class VI district. After July 1, 1993, any school district which fails to comply with the provisions of subsection (1) of section 79-426.28 shall be dissolved by the county superintendent and attached to an existing Class II, III, IV, or V district.

(2) A Class II, III, IV, or V district which becomes a Class I district pursuant to section 79-701 or any other state law shall merge with a Class II, III, IV, or V district, affiliate with one or more Class II, III, IV, or V districts, become part of one or more Class VI districts, or affiliate in part with one or more Class II, III, IV, or V districts and in part become part of one or more Class VI districts.

(3) ~~After July 1, 1993, if~~ If an affiliated Class II, III, IV, or V district dissolves, unless otherwise stated in the affiliation petition, any portions of a Class I district that are affiliated with such district may affiliate with another Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of a Class VI district.

(4) ~~After July 1, 1993, if~~ If a Class VI district dissolves, any Class I district or portions thereof which are part of such district may affiliate with a Class II, III, IV, or V district, merge with any Class I, II, III, IV, or V district, or become part of another Class VI district.

Sec. 7. Section 79-426.08, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.08. (1) Each county committee shall receive and consider all plans and procedures submitted to it by the state committee. The plans may include plans for the affiliation of school districts. The county committee shall prepare and submit to the state committee, for its approval or disapproval, a plan of reorganization of school districts for the county. Such ~~plan~~ plans of reorganization shall be submitted to the state committee ~~prior to January 1, 1990~~ upon completion.

(2) When a proposed plan of reorganization of school districts for the county or part thereof has been tentatively

agreed upon by a county committee, a map of the proposed district or districts shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such proposed district or districts and details of the plan. Such map and statement shall be placed on file with the county superintendent together with a statement prepared by the committee setting forth the provisions of section 79-426.11 and other facts considered pertinent by such committee for the information of the public as to the reasons for and benefits to be had from such proposal.

(3) The county superintendent shall give notice of the filing of such map and statement by publication of such fact in a newspaper of general circulation in the area.

Sec. 8. Section 79-426.15, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.15. (1) Not less than thirty nor more than sixty days after the designation of the plan as final approved plan, the proposition of the adoption or rejection of the proposed plan of reorganization shall be submitted at a special election to all the electors of districts within the county whose boundaries are in any manner changed by the plan of reorganization, including the boundaries of Class VI school districts if such plan includes a Class I school district which is entirely within a Class VI school district.

(2) Notice of the election provided for by subsection (1) of this section shall be given by the county clerk or election commissioner and shall be published in a legal newspaper of general circulation in the county at least ten days prior to the election. The election notice shall (a) state that the election has been called for the purpose of affording the electors an opportunity to approve or reject the plan of reorganization, (b) contain a description of the boundaries of the proposed district, and (c) contain a statement of the terms of the adjustment of property, debts, and liabilities applicable thereto.

(3) All ballots shall be prepared and the special election referred to in subsection (1) of this section shall be held and conducted by the county clerk or election commissioner and the expense of such election ~~is to~~ shall be paid by the county board or boards, if more than one county is involved as provided in subsection (4) of this section. The county clerk or election commissioner shall use the duly appointed election board or appoint two judges and two clerks who shall be qualified electors of the territory of the proposed school district. The election shall be held at a place or places within the proposed district which shall have been determined by the county clerk or election commissioner to be convenient for the voters.

(4) If the proposed plan of reorganization involves a district under the jurisdiction of another county committee, the county clerk or election commissioner of the county which has the largest number of pupils residing in the proposed joint district

shall give the notice required by subsection (2) of this section in a newspaper of general circulation in the territory of the proposed district and prepare the ballots, and such election shall be held and conducted by the county clerk or election commissioner of each county involved in the proposed reorganization in accordance with the Election Act. Each county board shall bear a share of the total election expense in the same proportion that the number of electors residing in the proposed district in one county stands to the whole number of electors in the proposed district.

~~(5) In any election held as provided in this section, all districts of like class shall vote as a unit, except that Class I school districts within the boundaries of which are located an incorporated village or city shall constitute a separate voting unit and Class I school districts which do not have within their boundaries an incorporated village or city shall constitute a separate voting unit.~~

~~(6)~~ (5) Approval of the plan at the special election shall require a majority of all electors voting. ~~within each voting unit included in the proposed plan.~~

Sec. 9. Section 79-426.16, Reissue Revised Statutes of Nebraska, is amended to read:

79-426.16. If the majority vote ~~in each voting unit at said election shall not be~~ at the election under section 79-428.15 is not in favor of the plan of reorganization, the county committee shall continue in its efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the county committee, it shall be submitted for the approval of the state committee and if approved by such committee it shall be submitted to a vote under the procedure provided.

Sec. 13. The following sections are outright repealed: Sections 79-402.17 to 79-402.19, Reissue Revised Statutes of Nebraska.".

2. On page 1, line 10, strike "177,179," and show as stricken.

3. On page 8, strike lines 7 through 9 and show the old matter as stricken.

4. On page 16, line 25, strike "79-402.15," and insert "79-402.13, 79-402.15, 79-402.20, 79-426.08, 79-426.15, 79-426.16,".

5. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 336. Introduced by Warner, 25; Hartnett, 45; Coordsen, 32; Schellpeper, 18; Kristensen, 37; Will, 8; Wickersham, 49; Landis, 46.

PURPOSE: The issue of the use of credits earned pursuant to the Employment and Investment Incentive Growth Act to reduce or

eliminate the personal income tax liability of individual taxpayers is an important policy concern for legislators and taxpayers. This policy issue is most appropriate to be examined by elected representatives who are responsible for modification of the act and other legislation. The examination should be open to all citizens, taxpayers, and beneficiaries of the credits contained in the Employment and Investment Incentive Growth Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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. The committee shall examine this specific issue and its implications for changes or modifications to the Employment and Investment Incentive Growth Act. The committee shall hold a series of public hearings and take testimony from interested and affected persons.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature by January 10, 1997.

Referred to the Executive Board.

WITHDRAW - Cointroducer

Mrs. Hudkins withdrew her name as cointroducer to LBs 1055, 149, 388, 859, 1122, 1127, 1182, 1205, 1227, 1249, 1337, and 1350.

VISITORS

Visitors to the Chamber were Doug Nolette and daughter, Lisa, from O'Neill; sixth grade students and teacher from Pound Middle School, Lincoln; 45 fourth grade students and teacher from Central Elementary, Plattsmouth; Theresa Kuzelka, Tricia Beem, and Lois Ehlers from Grand Island; Kathy Fehrman and sons, Ben and Scott, from North Platte; Elder Eldon Fletcher and Sister Janet Fletcher from Florence; Senator Hillman's grandson, Trevor Hergenrader, and friends, Ron and Luke Johns, from Gering; and students from UNO, Dana, Creighton, Union, and Wesleyan Universities.

The Doctor of the Day was Bruce Gfeller from Lincoln.

ADJOURNMENT

At 1:44 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 9:00 a.m., Monday, March 11, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FIRST DAY - MARCH 11, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 11, 1996

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Roger Ridley, Grace Baptist Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Cudaback, Fisher, Kristensen, Lindsay, Will, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

AMENDMENT - Print in Journal

Messrs. Jones and Wickersham filed the following amendment to LB 604:
AM3540

(Amendments to E & R amendments, AM7220)

1. Insert the following new sections:

"Sec. 2. Section 79-101.01, Reissue Revised Statutes of Nebraska, as amended by section 249, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

For purposes of statutes governing schools:

(1) Affiliated school system means the high school district and the Class I districts or portions of Class I districts affiliated with such high school district; and

(2) Affiliation or affiliation of school districts means

an ongoing association of a Class I district or portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts for the purpose of (a) providing a high school program serving the Class I district students and (b) maintaining tax support to finance such program. The services provided may include student transportation. ~~; and~~

~~(3) Class VI school system means a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.~~

Sec. 6. Section 79-438.12, Reissue Revised Statutes of Nebraska, is amended to read:

79-438.12. (1) Whenever the affiliation of a Class I district or portion thereof becomes final, the general fund property tax requirement of the high school district and each Class I district or portion thereof in an affiliated school system shall be certified to the county superintendent and county clerk for computation of an affiliated school system tax levy. The proceeds of such tax levy, upon collection by the county, shall be distributed to the districts in the affiliated school system in amounts which are in proportion to the amounts of the general fund property tax requirements certified by such districts to the county superintendent and county clerk. Such tax levy shall be computed as follows:

(a) If one or more Class I districts affiliate with only one high school district, the sum of the general fund property tax requirements of the high school district and all such Class I districts shall be divided by the sum of the assessed valuation, in hundreds, of all such districts; or

(b) If a Class I district or portion thereof affiliates with more than one high school district, such Class I district's general fund property tax requirement shall be apportioned to respective portions of such Class I district for purposes of this computation based on each portion's assessed taxable valuation in relation to the total assessed valuation of all affiliated portions of the Class I district certified by the county clerk pursuant to section 79-433, and the affiliated school system tax levy shall be computed as though it were a single district as prescribed in subdivision (a) of this subsection.

(2) When a Class I district or portion thereof affiliates in part with one or more districts and in part becomes a part of one or more Class VI districts, the tax levy assessed on taxable property within the Class I district to fund the portion of the budget of the Class I district which is to come from the general fund property tax requirement shall be made as follows:

(a) The proportionate share of the Class I district budget allocable to any affiliated system shall be assessed on all property within such affiliated system as described in this section; and

(b) The ~~(i) For the 1992-93, 1993-94, and 1994-95 school~~

~~years, the~~ proportionate share of the Class I general fund property tax requirement not allocable to any affiliated system shall be divided by the assessed valuation, in hundreds, of the property of the Class I district which is not affiliated. The resulting tax levy shall be assessed upon all taxable property in the portion of the Class I district which is not affiliated.

~~(ii) Beginning with the 1995-96 school year, the proportionate share of the Class I general fund property tax requirement not allocable to any affiliated system shall be assessed in accordance with section 79-438.13.~~

Sec. 9. Section 79-1303, Reissue Revised Statutes of Nebraska, is amended to read:

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 in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that~~: (a) For~~ 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 in which 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 in determining the distribution to the districts 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. 10. Section 79-3806, Revised Statutes Supplement, 1995, is amended to read:

79-3806. (1) Except as provided in section 79-3806.01 for reorganized districts which become reorganized districts on or before June 30, 2005, and except as provided in subsections (2) through (7) of this section, each district shall receive equalization aid in the amount that the total formula need of each district, as determined pursuant to subsections (5) and (6) of this section and sections 79-3805 and 79-3807, exceeds its total formula resources as determined pursuant to subsections (5) and (6) of this section and sections 79-3808 to 79-3811.

(2) A district shall not receive state aid for each of the school years 1992-93, 1993-94, and 1994-95 which is less than one hundred percent of the amount of aid received pursuant to the School Foundation and Equalization Act for school year 1989-90.

(3) No district shall receive equalization aid in an amount such that total state aid received would result in such district having a general fund tax levy of less than sixty percent of the local effort rate as computed pursuant to section 79-3808. The calculation shall be based on valuation, state aid, and levy data from the current school year and, for the calculation of state aid in school year 1992-93 and each school year thereafter, shall also take into consideration the amounts of nonresident high school tuition certified by the department pursuant to section 79-4,102 for the current school year and for the school year in which such state aid is to be paid.

(4) For the calculation of state aid to be paid in school year 1993-94 and each school year thereafter in Class I districts which have more than one general fund levy in the current year, the department shall base the calculation on a derived general fund levy for the district computed by adding the general fund property tax yield for all portions of the district and dividing the result by the total assessed valuation of the district in hundreds.

(5) ~~For school districts or portions thereof in Class VI school systems as defined in section 79-101.01, equalization aid to~~

~~be paid in school year 1995-96 and each school year thereafter shall be computed as follows:~~

~~(a) For Class I districts, the total formula need and total formula resources shall be allocated to each Class VI school system based upon the proportion of such Class I district's adjusted valuation contained in each Class VI school system;~~

~~(b) For the Class VI district and each Class I district or portion thereof allocated pursuant to subdivision (a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;~~

~~(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;~~

~~(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and~~

~~(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.~~

~~(6)~~ For school districts in affiliated school systems as defined in section 79-101.01, equalization aid to be paid in school year 1992-93 and each school year thereafter shall be computed as follows:

(a) For affiliated Class I districts, the total formula need and total formula resources shall be allocated to each affiliated school system based upon the proportion of such Class I district's adjusted valuation contained in each system with which it is affiliated;

(b) For the high school district and each Class I district or portion thereof allocated pursuant to subdivision (a) of this subsection, the total formula resources shall be subtracted from the total formula need, except that the difference shall never be less than zero;

(c) Each district's total formula need, total formula resources, and difference calculated pursuant to subdivision (b) of this subsection shall be added to arrive at system formula need, system formula resources, and system total difference;

(d) System equalization aid shall equal the amount by which the system formula need exceeds system formula resources; and

(e) Each district's share of the system equalization aid shall be calculated by dividing the district's difference calculated pursuant to subdivision (b) of this subsection by the system total difference and multiplying the result by the system equalization aid.

(6) ~~(7)~~ Beginning with school year 1994-95, a district which does not generate equalization aid pursuant to subsection (1)

of this section and in which option students as defined in section 79-3402 were actually enrolled in the current data year shall receive additional state aid for each such student in an amount equal to the statewide average tiered cost per student or the option school district's tiered cost per student, whichever is less.

(7) ~~(8)~~ For school years 1992-93 and 1993-94, a district which does not generate equalization aid pursuant to subsection (1) of this section and in which option students as defined in section 79-3402 were actually enrolled in the most recently available complete data year shall receive additional state aid computed by first multiplying the number of such option students, by grade group, by the district's tiered cost per student for each grade group and then summing the results for all grade groups in the district. The district shall receive additional state aid equal to the amount by which this calculation exceeds the district's actual receipts pursuant to section 79-3415 in the most recently available complete data year.

Sec. 12. The following section is outright repealed: Section 79-438.13, Reissue Revised Statutes of Nebraska.".

2. On page 16, line 25, after "79-402.15" insert "79-438.12," and strike "and"; and in line 26 after the first comma insert "and 79-1303," and before "section" insert "section 79-3806, Revised Statutes Supplement, 1995, section 79-101.01, Reissue Revised Statutes of Nebraska, as amended by section 249, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996,".

3. Renumber the remaining sections accordingly.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 296. With Emergency.

A BILL FOR AN ACT relating to recreational trails; to provide for user fees; to create the position of State Recreational Trails Coordinator; to eliminate a termination date; to provide for the revival of sections 81-815.55 and 81-815.56, Reissue Revised Statutes of Nebraska; to outright repeal section 81-815.57, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Mr. Beutler requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 21:

Avery	Crosby	Hillman	Matzke	Schimek
Bernard-Stevens	Elmer	Jensen	Maurstad	Wehrbein
Brashear	Engel	Landis	McKenzie	Wesely
Brown	Hartnett	Lynch	Preister	Withem
	Hilgert			

Voting in the negative, 16:

Bromm	Janssen	Pedersen	Robinson	Stuhr
Coordsen	Jones	Pirsch	Schellpeper	Wickersham
Dierks	Klein	Robak	Schmitt	Witek
Hudkins				

Present and not voting, 4:

Beutler	Schrock	Vrtiska	Warner

Excused and not voting, 8:

Abboud	Chambers	Fisher	Lindsay	Will
Bohlke	Cudaback	Kristensen		

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 20:

Avery	Crosby	Hillman	Matzke	Schimek
Bernard-Stevens	Elmer	Jensen	Maurstad	Wehrbein
Brashear	Hartnett	Landis	McKenzie	Wesely
Brown	Hilgert	Lynch	Preister	Withem

Voting in the negative, 15:

Bromm	Hudkins	Klein	Robinson	Stuhr
Coordsen	Janssen	Pedersen	Schellpeper	Wickersham
Dierks	Jones	Robak	Schmitt	Witek

Present and not voting, 6:

Beutler	Pirsch	Schrock	Vrtiska	Warner
Engel				

Excused and not voting, 8:

Abboud	Chambers	Fisher	Lindsay	Will
Bohlke	Cudaback	Kristensen		

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

LEGISLATIVE BILL 532. With Emergency.

A BILL FOR AN ACT relating to insurance; to require treatment of obstetricians/gynecologists as primary care physicians; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Dierks	Jensen	Preister	Vrtiska
Avery	Elmer	Jones	Robak	Warner
Beutler	Engel	Klein	Schellpeper	Wehrbein
Brashear	Hartnett	Landis	Schimek	Wesely
Bromm	Hilgert	Maurstad	Schmitt	Wickersham
Brown	Hillman	McKenzie	Schrock	Witek
Coordsen	Hudkins	Pedersen	Stuhr	Withem
Crosby	Janssen	Pirsch		

Voting in the negative, 2:

Bernard-Stevens	Lynch

Present and not voting, 2:

Matzke	Robinson

Excused and not voting, 7:

Bohlke	Cudaback	Kristensen	Lindsay	Will
Chambers	Fisher			

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 689. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-325, 44-2132, and 44-2134, Reissue Revised Statutes of Nebraska;

to change provisions relating to dividends and distributions; to define a term; to require notice; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Crosby	Jensen	Pirsch	Stuhr
Avery	Dierks	Jones	Preister	Vrtiska
Bernard-Stevens	Elmer	Klein	Robak	Warner
	Engel	Landis	Robinson	Wehrbein
Beutler	Hartnett	Lynch	Schellpeper	Wesely
Brashear	Hilgert	Matzke	Schimek	Wickersham
Bromm	Hillman	Maurstad	Schmitt	Witek
Brown	Hudkins	McKenzie	Schrock	Withem
Coordsen	Janssen	Pedersen		

Voting in the negative, 0.

Excused and not voting, 7:

Bohlke	Cudaback	Kristensen	Lindsay	Will
Chambers	Fisher			

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 934.

A BILL FOR AN ACT relating to agricultural land valuation; to amend sections 77-112, 77-1344, and 77-1359, Revised Statutes Supplement, 1994, and sections 77-1361 and 79-3809, Revised Statutes Supplement, 1995; to eliminate the Agricultural Land Valuation Advisory Board; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1366, Reissue Revised Statutes of Nebraska, and section 77-1367, Revised Statutes Supplement, 1995.

Whereupon the 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	Avery

Bernard-Stevens	Dierks	Jones	Pirsch	Stuhr
Beutler	Elmer	Klein	Preister	Vrtiska
Brashear	Hartnett	Landis	Robak	Warner
Bromm	Hilgert	Lynch	Robinson	Wehrbein
Brown	Hillman	Matzke	Schellpeper	Wesely
Coordsen	Hudkins	Maurstad	Schimek	Wickersham
Crosby	Janssen	McKenzie	Schmitt	Witek
Cudaback	Jensen	Pedersen	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 6:

Bohlke	Fisher	Kristensen	Lindsay	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.

PRESIDENT ROBAK PRESIDING

LEGISLATIVE BILL 966.

A BILL FOR AN ACT relating to agriculture; to amend sections 81-829.43 and 81-829.45, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to weather modification, the Agricultural Revitalization Authority Act, the Bureau of Dairies, Foods and Drugs, and a duplicate budget report; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2401 to 2-2403, 2-2405, 2-2407 to 2-2408.01, 2-2409, 2-4701 to 2-4721, 2-4723 to 2-4748, 81-229, 81-262, and 81-1113.02, Reissue Revised Statutes of Nebraska, section 2-2406, Revised Statutes Supplement, 1994, section 2-2408.02, Revised Statutes Supplement, 1995, and section 2-4722, Reissue Revised Statutes of Nebraska, as amended by section 1014, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Cudaback	Jensen	Pedersen	Schrock
Avery	Dierks	Jones	Pirsch	Stuhr
Bernard-Stevens	Elmer	Klein	Preister	Vrtiska
Beutler	Engel	Landis	Robak	Warner
Brashear	Hartnett	Lynch	Robinson	Wehrbein
Bromm	Hilgert	Matzke	Schellpeper	Wesely
Coordsen	Hillman	Maurstad	Schimek	Witek
Crosby	Hudkins	McKenzie	Schmitt	Withem
	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 7:

Bohlke	Fisher	Lindsay	Wickersham	Will
Chambers	Kristensen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 974.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-488 and 60-4,121, Reissue Revised Statutes of Nebraska; to change provisions relating to an exemption from motor vehicle operator's license requirements; to provide for the issuance of operator's licenses without examination 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, 40:

Abboud	Cudaback	Janssen	Pedersen	Schrock
Avery	Dierks	Jensen	Pirsch	Stuhr
Beutler	Elmer	Jones	Preister	Vrtiska
Brashear	Engel	Klein	Robak	Warner
Bromm	Hartnett	Landis	Robinson	Wehrbein
Brown	Hilgert	Lynch	Schellpeper	Wesely
Coordsen	Hillman	Matzke	Schimek	Witek
Crosby	Hudkins	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Bernard-Stevens	McKenzie

Excused and not voting, 7:

Bohlke	Fisher	Lindsay	Wickersham	Will
Chambers	Kristensen			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 984. With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1995; to change provisions relating to references to the code; 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	Crosby	Janssen	McKenzie	Schrock
Avery	Cudaback	Jensen	Pedersen	Stuhr
Bernard-Stevens	Dierks	Jones	Pirsch	Vrtiska
Beutler	Elmer	Klein	Preister	Warner
Brashear	Engel	Landis	Robak	Wehrbein
Bromm	Hartnett	Lindsay	Robinson	Wesely
Brown	Hilgert	Lynch	Schellpeper	Witek
Coordsen	Hillman	Matzke	Schimek	Withem
	Hudkins	Maurstad	Schmitt	

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Fisher	Kristensen	Wickersham	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 1036. With Emergency.

A BILL FOR AN ACT relating to corporations; to amend sections 21-323.01, 21-325.01, 21-2001, 21-2005, and 21-20,181, Revised Statutes Supplement, 1995; to change provisions relating to dissolution, reinstatement, and domestication of corporations and certificates of authority; 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	Janssen	McKenzie	Schrock
Avery	Cudaback	Jensen	Pedersen	Stuhr
Bernard-Stevens	Dierks	Jones	Pirsch	Vrtiska
Beutler	Elmer	Klein	Preister	Warner
Brashear	Engel	Landis	Robak	Wehrbein
Bromm	Hartnett	Lindsay	Robinson	Wesely
Brown	Hilgert	Lynch	Schellpeper	Witek
Coordsen	Hillman	Matzke	Schimek	Withem
	Hudkins	Maurstad	Schmitt	

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke	Fisher	Kristensen	Wickersham	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.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions and bills: LRs 323, 324, 325, 326, 327, 329, 330, 331, 332, 333, LBs 532, 689, 934, 966, 974, 984, and 1036.

UNANIMOUS CONSENT - Member Excused

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

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1184. Placed on Select File.

LEGISLATIVE BILL 1252. Placed on Select File as amended.
E & R amendment to LB 1252:
AM7226

1. On page 6, line 25, strike "84-8,239.01" and insert "81-8,239.01".

LEGISLATIVE BILL 1275. Placed on Select File as amended.
E & R amendment to LB 1275:
AM7227

1. In the Landis amendment, AM3295, on page 1, line 13, after "12" insert "and show as stricken".
2. On page 2, line 23; and page 3, line 1, strike the comma.
3. On page 3, line 19, strike "or a" and insert an underscored comma.
4. On page 5, line 7, reinstate the stricken matter and strike "subdivision".
5. On page 14, lines 18, 20, 26, and 28, strike "Federal", show as stricken, and insert "federal".

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 901:
AM3638

(Amendments to Standing Committee amendments, AM3071)

1. On page 7, line 2, after "freeway" insert "or Freedom Highway 2, Freedom Highway 20 or Freedom Highway 385"; and in line 6 after "system" insert "and upon Nebraska State Highway No. 2, which shall be designated as Freedom Highway 2, upon Nebraska State Highway No. 20, which shall be designated as Freedom Highway 20, and upon Nebraska State Highway 385, which shall be designated as Freedom Highway 385".

Mr. Wickersham filed the following amendment to LB 901:
AM3614

(Amendments to Standing Committee amendments, AM3071)

1. On page 2, line 19, after "point" insert "except that on a two-lane highway a verbal warning shall be administered and no point assessed".
2. On page 12, line 22, after "limit" insert "except that on a two-lane highway a verbal warning shall be administered and no fine assessed".

SELECT FILE

LEGISLATIVE BILL 1044. The Bernard-Stevens pending amendment, FA488, found in the Journal on page 1054, was renewed.

Messrs. Wesely and Dierks offered the following amendment to the Bernard-Stevens pending amendment:
FA522
Amend Bernard-Stevens amendment
Strike last line "unless specifically prohibited by statute"
Insert "However no confidential information shall be shared if prohibited by statute."

The Wesely-Dierks amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Chambers offered the following amendment to the Bernard-Stevens pending amendment:
FA523
Amend Bernard-Stevens amendment (FA488)
P. 1, line 4, after "programs", insert, "for the sole purpose"

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Bernard-Stevens amendment, as amended, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Chambers renewed his pending amendment, FA489, found in the Journal on page 1058.

The Chambers amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Bernard-Stevens renewed his pending amendment, AM3562, found in the Journal on page 1103.

Messrs. Coordsen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

The Bernard-Stevens amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mrs. McKenzie, Ms. Schimek, Messrs. Bernard-Stevens, Beutler, and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely offered the following amendment:
AM3669
1. On page 2, line 6, strike "for" and insert "to achieve"; in line 7 strike "participation" and insert "potential";

3 and in line 12 strike "to achieve" and insert "achieves".

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Maurstad offered the following amendment:
AM3679
1 1. On page 3, line 4; page 4, line 8; page 5, line 20;
2 page 8, lines 9 and 23; page 12, line 22; page 13, lines 14 and 23;
3 page 14, lines 4 and 25; page 15, lines 4 and 11; page 18, line 8;
4 page 19, lines 1, 11, and 21; page 20, lines 14, 21, and 28; page
5 23, line 17; page 24, lines 10 and 20; page 25, lines 2 and 24; and
6 page 26, lines 3 and 10; strike "January 1" and insert "March 15".
7 2. On page 38, line 26, strike "January 1" and insert
8 "March 15".
9 3. In the Standing Committee amendment, AM2978, on page
10 470, line 37, strike "January 1" and insert "March 15".
11 4. In the Wesely-Withem amendment, AM2978, on page 4,
12 line 10, strike "January 1" and insert "March 15".
13 5. In the Stuhr amendment, AM3556, on page 1, line 10,
14 strike "January 1" and insert "March 15".

Messrs. Hartnett and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Maurstad requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Chambers	Hudkins	Pirsch	Schrock
Bernard-Stevens	Coordsen	Kristensen	Preister	Stuhr
Beutler	Crosby	Landis	Schellpeper	Witek
	Fisher	Maurstad	Schmitt	

Voting in the negative, 24:

Brashear	Engel	Klein	Robak	Wehrbein
Brown	Hartnett	Lindsay	Robinson	Wesely
Cudaback	Hilgert	Lynch	Schimek	Wickersham
Dierks	Hillman	Matzke	Vrtiska	Withem
Elmer	Janssen	Pedersen	Warner	

Present and not voting, 3:

Avery	Jensen	Jones

Excused and not voting, 4:

Bohlke Bromm McKenzie Will

The Maurstad amendment lost with 18 ayes, 24 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Jensen offered the following amendment:
AM3642

1. On page 2, line 8, after "communities" insert "that will reduce the size of state government and reduce state expenditures with a focus on local control and privatization of services"; and strike beginning with "The" in line 8 through the underscored period in line 12 and all amendments thereto.

2. On page 4, line 3, after "public" insert ", the Legislature, public and private sector entities,".

3. On page 5, strike beginning with "progress" in line 14 through "care" in line 15 and insert "a reduction in the size of state government and in state expenditures and to assure progress toward the achievement of desired health and human service outcomes"; in line 17 strike "and"; and in line 19 after "service" insert "; and

(11) Community-based and private-sector based to assure that state government will serve primarily as a facilitator and promoter of health and human services and not primarily as a direct provider of such services".

4. On page 6, line 3, strike "manage all" and insert "facilitate the provision of"; in line 6 strike "Provide" and insert "Promote and facilitate"; in line 10 strike "Deliver services" and insert "Facilitate the delivery of services, either" and after "grant" insert an underscored comma; in line 14 after "communities" insert "that will reduce the size of state government and state expenditures with a focus on local control and privatization of services"; and in line 26 after "Nebraskans" insert "by focusing on community-based and private-sector health and human service providers".

Messrs. Coordsen, Pedersen, and Schellpeper 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 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Jensen requested a roll call vote on his amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 27:

Abboud	Brown	Hartnett	Maurstad	Schrock
Avery	Coordsen	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pirsch	Vrtiska
Brashear	Dierks	Jones	Robinson	Wehrbein
Bromm	Engel	Kristensen	Schmitt	Witek
	Fisher	Matzke		

Voting in the negative, 18:

Beutler	Hillman	Lindsay	Robak	Wesely
Chambers	Janssen	Lynch	Schimek	Wickersham
Crosby	Klein	McKenzie	Warner	Withem
Hilgert	Landis	Preister		

Absent and not voting, 1:

Elmer

Excused and not voting, 3:

Bohlke Schellpeper Will

The Jensen amendment was adopted with 27 ayes, 18 nays, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Avery offered the following amendment:
AM3683

1. On page 4, line 6, after "describing" insert "in detail the"; and in line 8 after "1997" insert ", and the format of the structure, including who shall have access to confidential information at each level, the procedures, accounting mechanisms, funding streams, public accessibility of services by geographic area, and lines of authority that will exist during each phase of transition. The Legislature shall vote to approve or disapprove the transition plan at the next regular legislative session by a majority of the elected members".

Mr. Avery asked unanimous consent to replace his pending amendment, AM3683, with a substitute amendment.

Mr. Wesely objected.

Mr. Avery moved to replace his pending amendment, AM3683, with a substitute amendment.

The Avery motion to substitute prevailed with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Avery withdrew his amendment, AM3683, found in this day's Journal.

Mr. Avery offered the following substitute amendment:
AM3687

1. On page 4, line 6, after "describing" insert "in detail the"; and in line 8 after "1997" insert ", and the format of the structure, including who shall have access to confidential information at each level, the procedures, accounting mechanisms, funding streams, public accessibility of services by geographic area, and lines of authority that will exist during each phase of transition. The Legislature shall vote to approve or disapprove the transition plan, including all legislation needed to implement the plan notwithstanding existing executive authority, at the next regular legislative session by a majority of the elected members".

Messrs. Elmer and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 1368:
AM3582

1. Insert the following new sections:

"Sec. 5. Section 77-4927, Revised Statutes Supplement, 1995, is amended to read:

77-4927. (1) If a company has entered into an agreement with the state pursuant to section 77-4928 prior to the operative date of this section, employees who are employed at the project covered by the agreement, other than base-year employees, shall during each project year receive the wage benefit credit in the manner provided in the Quality Jobs Act.

(2) The wage benefit credit shall be paid or applied by the employee for company training programs, employee benefit programs, educational institution training programs, or company workplace safety programs, or any combination thereof, as designated by the employee or as agreed to by the company and employee.

(3) Except as provided in subsection (4) of this section,

the wage benefit credit per employee shall be an amount equal to the Nebraska income tax withholding attributable to the employee's compensation for services rendered in connection with the project for the project year without regard to the credit calculation under subsection (6) of this section.

(4) The wage benefit credit total for the project per year shall not exceed five percent of the total compensation paid by the company in the year to all employees, other than base-year employees, for services rendered in connection with the project. If the total of the wage benefit credit exceeds five percent of the total compensation paid to all employees, other than base-year employees, the withholding in excess of five percent of each employee's compensation shall be returned to the Department of Revenue in the manner provided in section 77-2756.

(5) The wage benefit credit shall be allowed for each project year.

(6) The wage benefit credit shall be withheld by the company from the employee's compensation in the normal manner provided by section 77-2753, except that the amount shall not be required to be paid over to the state under section 77-2756 and shall not constitute part of the trust fund or be owned by the state as provided in section 77-2757, but instead shall, to the extent of attributable tax liability, represent a credit in the calculation of each such employee's tax liability and shall be paid or applied for the programs in the manner that the company and employee have determined as allowed by the act. For purposes of the withholding reporting provisions of sections 77-2754 and 77-2756, the company shall report the wage benefit credit separately to the state and to the employee as a wage benefit credit. Each employee shall be allowed on his or her Nebraska income tax return a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123 equal to the wage benefit credit not to exceed (a) his or her income tax liability minus (b) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income. The calculation of this nonrefundable credit shall be included with the employee's tax return and reported as determined by the Department of Revenue. If any amount allowable as a wage benefit credit has been through error or otherwise improperly paid to the state, it shall be refunded to the person who paid it upon application for refund filed within three years after payment.

Sec. 8. Original section 77-4927, Revised Statutes Supplement, 1995, is repealed.".

2. On page 2, strike beginning with "in" in line 24 through the comma in line 25.

3. On page 3, strike beginning with "and" in line 1 through "77-4927" in line 2.

4. On page 4, line 22, after "Act" insert "on or"; in

line 23 strike "effective" and insert "operative" and strike "act" and insert "section"; in line 24 strike "This act becomes" and insert "Sections 1 to 4 and 7 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

5. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 1363:
AM3641

1. Strike section 2.

2. On page 6, line 13, strike "sections" and insert "section" and strike "and 77-1701"; and in line 14 strike "are" and insert "is".

3. Renumber the remaining section accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 96018

DATE: March 5, 1996

SUBJECT: LB 1276; Constitutionality of Classifications Established by the Museum Property Act Under Art. III, § 18 of the Nebraska Constitution

REQUESTED BY: Senator David L. Maurstad
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

LB 1276, currently on general file before the Legislature, would enact the Museum Property Act (the "Act") into law. That Act deals generally with the disposition of certain tangible property of historic, artistic, scientific or cultural value on loan to or in the possession of nonprofit or public museums, historical societies, parks, libraries and zoos in Nebraska. Under that Act, a museum (defined in the Act to include at least those entities previously listed) could obtain title to such property on loan to it or such undocumented property in its possession by following certain specified notice procedures directed to the owners of the property after the expiration of set time periods. If the owners of the property failed to properly respond to notice from the museum, then title to the property would vest in that entity. You apparently are concerned with the constitutionality of certain portions of the Museum Property Act, and, as a result, you asked us, "{d}oes LB 1276 establish an exemption for a special class of individuals from the unclaimed property act, and therefore is this provision of LB 1276 unconstitutional?"

The Nebraska Uniform Disposition of Unclaimed Property Act (the "Unclaimed Property Act") is set out at **Neb. Rev. Stat. §§** 69-1301 through 69-1329 (1990, Cum. Supp. 1994, Supp. 1995). The Unclaimed Property Act provides generally that property such as money, bank deposits, stocks, certificates of deposit, checks, contents of safe deposit boxes, gift certificates or other intangible personal property which remains unclaimed and in the possession of banks, financial organizations, business organizations, life insurance companies, governmental subdivisions and utilities must be reported and remitted to the Nebraska State Treasurer after the expiration of particular time periods fixed in the Act. The State Treasurer then holds those properties for their true owners, who can reclaim them at any time by presenting proper proof of ownership.

In your request letter, you did not specify which particular provision or provisions in LB 1276 are the subject of your opinion request. Nonetheless, we assume that the classification which causes you concern is established by those portions of the bill which allow nonprofit or public museums to take or acquire title to property in their possession which remains unclaimed by its true owner or owners after the requisite notice under the bill and after the requisite time period has passed. Under those circumstances, such museums appear to be treated differently as a result of LB 1276 than business organizations, banks, etc. are treated under the Unclaimed Property Act, since entities subject to the latter statutes must report and remit unclaimed property in their possession to the State Treasurer. However, while such a classification may appear suspect, we believe that the provisions of LB 1276 in that regard are constitutional, and do not create an impermissible classification or special class.

At the outset, we must note that the property held by museums which is subject to the Museum Property Act does not appear to be property subject to the provisions or requirements of the Unclaimed Property Act. The Museum Property Act reaches "tangible object{s}, animate or inanimate, under a {nonprofit or public} museum's care, which {have} intrinsic historic, artistic, scientific or cultural value." In contrast, as noted above, the primary focus of the Unclaimed Property Act is financial instruments and money in the possession of business entities. Indeed, the catch-all or omnibus provision of the Unclaimed Property Act, § 69-1308, which reaches property "not otherwise covered by the Uniform Disposition of Unclaimed Property Act . . . that is held or owing in this state," is directed only to "intangible personal property," and not to the tangible museum artifacts which are the subject of the Museum Property Act. As a result, we do not believe that the provisions of LB 1276 carve out some sort of exception to the Unclaimed Property Act for museums so as to create a special classification. The property which is the subject of that bill is not reportable as unclaimed property in any event.

Assuming, however, that the property at issue under LB 1276 and held by museums is also reportable in some fashion under the Unclaimed Property Act, the classification which is the focus of your

opinion request apparently involves the privileges granted to nonprofit or public museums under the Museum Property Act as differentiated from the requirements placed upon the various organizations subject to the Unclaimed Property Act. You question whether such a special classification is constitutional.

Classifications created by the Legislature are tested under Art. III, § 18 of the Nebraska Constitution which prohibits any local or special laws "{g}ranting to any corporation, association, or individual any special or exclusive privileges, immunity or franchise whatever. . . ." That constitutional provision both requires equal protection under the law, and prohibits special legislation. **Haman v. Marsh,** 237 Neb. 699, 467 N.W.2d 836 (1991). Therefore, the classification at issue in the present instance must be tested under both of those constraints.

A legislative act constitutes special legislation under Art. III, § 18 if it (1) creates an arbitrary and unreasonable method of classification or (2) creates a permanently closed class. **City of Ralston v. Balka,** 247 Neb. 773, 530 N.W.2d 594 (1995); **Haman v. Marsh, supra.** We do not believe that the class of museums entitled to particular treatment under the Museum Property Act is a permanently closed class since other museums and similar entities could be created in the future which would be entitled to the protections of the Act. Therefore, a special legislation inquiry in this case must focus on the first prong of the test enunciated by the Nebraska Supreme Court -- does the legislation at issue create an arbitrary and unreasonable method of classification?

In the context of Art. III, § 18, the Nebraska Supreme Court has also indicated that a legislative classification is not arbitrary and unreasonable if (1) the classification is based upon some substantial difference of circumstances or situation that would indicate the justice or expediency of diverse legislation with regard to the objects classified, and (2) the classification would further a public purpose. **City of Ralston v. Balka, supra.** With those standards in mind, it seems to us that it is possible to argue that any classification created by LB 1276 where nonprofit and public museums are treated differently under the Museum Property Act than other entities and businesses with respect to the Unclaimed Property Act is based upon a substantial difference of circumstances which would support the justice and expediency of that diverse legislation. For example, museums and other nonprofit or public entities subject to LB 1276 serve educational, scientific and historical purposes which, in fact, differentiate them from banks, life insurance companies, public utilities and the like. Moreover, such a classification would, arguably, serve a public purpose in that museums and other entities under the bill would be allowed to take title and preserve artifacts of educational, historical or artistic value. Therefore, we do not believe that LB 1276 involves impermissible special legislation under Art. III, § 18 of the Nebraska Constitution.

Apart from issues involving special legislation, Art. III, § 18 also requires equal protection under the law. With respect to equal protection analysis, classifications which do not involve a suspect class

or a fundamental right, such as the classification differentiating business and other public entities from nonprofit or public museums in the present instance, are tested for a rational basis. **Robotham v. State,** 241 Neb. 379, 488 N.W.2d 533 (1992). That is, for equal protection purposes,

> {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.' "

Robotham at 382, 383, 488 N.W.2d at 538. Moreover, the rational basis test under an equal protection analysis is less rigorous than the test set out above for special legislation. **Haman v. Marsh, supra.** In the present instance, we cannot say that the differentiation between nonprofit or public museums under the Museum Property Act and business or other public entities under the Unclaimed Property Act has no rational relationship to a legitimate state purpose. For one thing, as noted above, it could be argued that there are strong policy reasons why unclaimed museum artifacts should remain in the possession of museums so that they might be preserved and displayed. Consequently, we do not believe that any exemption from the Unclaimed Property Act established for museums under the Museum Property Act violates Art. III, § 18 of the Nebraska Constitution as a denial of equal protection.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-49-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1996, at 10:00 a.m., were the following bills: 532, 689, 934, 966, 974, 984, and 1036.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Place LB 1150 on General File

Mr. Preister moved to place LB 1150 on General File pursuant to Rule 3, Section 19(b).

Laid over.

VISITORS

Visitors to the Chamber were 21 first grade students, teacher, and sponsors from Hartley Elementary School, Lincoln; 4-H Action Team and their advisor; 30 eighth grade students and teacher from Logan Middle School, Bellevue; and Wendy Costello from Lincoln.

RECESS

At 11:54 a.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. Bernard-Stevens, Beutler, Bromm, Chambers, Dierks, Kristensen, Landis, Lindsay, Lynch, Wickersham, Will, Mmes. McKenzie, and Robak who were excused until they arrive.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1171A. Introduced by Lindsay, 9; Engel, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1171, Ninety-fourth Legislature, Second Session, 1996.

SELECT FILE

LEGISLATIVE BILL 1044. The Avery pending amendment, AM3687, found in the Journal on page 1147, was renewed.

Mr. Wesely requested a division of the question on the Avery amendment.

The Chair sustained the division of the question.

The first Avery amendment is as follows:
FA525

1. On page 4, line 6, after "describing" insert "in detail the"; and in line 8 after "1997" insert ", and the format of the structure, including who shall have access to confidential information at each level, the procedures, accounting mechanisms, funding streams, public accessibility of services by geographic

area, and lines of authority that will exist during each phase of transition.

The first Avery amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

The second Avery amendment is as follows:
FA526

The Legislature shall vote to approve or disapprove the transition plan, including all legislation needed to implement the plan notwithstanding existing executive authority, at the next regular legislative session by a majority of the elected members".

MRS. CROSBY PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Avery moved for a call of the house. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Mr. Avery requested a roll call vote on his amendment.

Mr. Wesely requested the roll call vote be taken in reverse order.

Voting in the affirmative, 13:

Abboud	Fisher	Pedersen	Schellpeper	Stuhr
Avery	Hudkins	Pirsch	Schrock	Witek
Chambers	Jones	Preister		

Voting in the negative, 22:

Bernard-Stevens	Elmer	Klein	Robak	Wehrbein
	Hartnett	Kristensen	Schimek	Wesely
Brown	Hilgert	Lynch	Vrtiska	Wickersham
Crosby	Hillman	Matzke	Warner	Withem
Cudaback	Janssen	McKenzie		

Present and not voting, 9:

Bohlke	Bromm	Engel	Maurstad	Schmitt
Brashear	Coordsen	Jensen	Robinson	

Excused and not voting, 5:

Beutler	Dierks	Landis	Lindsay	Will

The Avery amendment lost with 13 ayes, 22 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA524
P. 8, line 20 after "body", strike all language through the first "to" in line 21, and insert "for purposes of"

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA527
1. P. 3, line 25, strike the semi-colon and add "or a public body subject to sections 84-1408 to 84-1414;
2. Page 8, line 20 after "Act." strike all language through "84-1414" in line 21.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Chambers amendment was adopted with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Jensen offered the following amendment:
FA528
Strike the Jensen amendment and insert
1. On page 2, line 14, after the period insert "The Legislature finds that one purpose of this legislative bill is to reduce the size of state personnel and reduce state expenditures with a focus on local control and which considers privatization of services.".
2. On page 5, line 17, strike the second "and", and in line 19 after "service" insert "; and
(11) One in which state government will serve as a facilitator and promoter of health and human services and not necessarily as a direct provider of such services and with consideration given to privatization".

The Jensen amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Mr. Abboud requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Brashear	Hartnett	Jones	Preister	Vrtiska
Brown	Hilgert	Klein	Robak	Warner
Crosby	Hillman	Lindsay	Schellpeper	Wehrbein
Elmer	Janssen	Lynch	Schimek	Wesely
Engel	Jensen	Pedersen	Schmitt	Wickersham

Voting in the negative, 14:

Abboud	Chambers	Hudkins	Maurstad	Stuhr
Avery	Coordsen	Kristensen	Pirsch	Witek
Bromm	Fisher	Landis	Schrock	

Present and not voting, 6:

Bernard-Stevens	Bohlke Matzke	McKenzie	Robinson	Withem

Excused and not voting, 4:

Beutler	Cudaback	Dierks	Will

Advanced to E & R for engrossment with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1044A. E & R amendment, AM7225, found in the Journal on page 1105, was adopted.

Mr. Wesely offered the following amendment:
AM3672

1. Insert the following new section:

"Sec. 14. Laws 1995, LB 325A, section 50, is amended to read:

Sec. 50. AGENCY NO. 20 -- DEPARTMENT OF HEALTH

Program No. 622 - Smoking Disease and Cancer Research

	FY1995-96	FY1996-97
CASH FUND	175	175
PROGRAM TOTAL	175	175

The unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 622, Smoking Disease and Cancer Research, for FY1996-97.".

2. On page 77, in lines 4, 11, and 18, after "Services" insert "Finance and Support".

3. On page 78, line 9, after "earnings" insert ". After December 31, 1996, such funds shall be transferred to the Department of Health and Human Services Finance and Support Cash Fund".

4. On page 86, line 1, after "49," insert "50,".

5. Renumber the remaining section accordingly.
6. In the Wehrbein et al amendment, AM3376, on page 2, line 13, strike "66" and insert "67".

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

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 337. Introduced by Schellpeper, 18.

WHEREAS, the Stanton High School boys' basketball team is the champion of the 1996 Class C-2 Boys' State Basketball Tournament; and

WHEREAS, Head Coach Curt Lammers guided the Stanton Mustangs to a 24-3 record; and

WHEREAS, the Stanton High School boys' basketball team was the highest scoring team in the state tournament; and

WHEREAS, the 67-66 win over a talented Lincoln Christian team in the final capped the Mustangs' boys' state basketball championship.

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

1. That the Stanton High School Mustangs be congratulated on winning the 1996 Class C-2 Boys' State Basketball Tournament.

2. That a copy of this resolution be sent to the members of the Stanton High School boys' basketball team and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 338. Introduced by Maurstad, 30.

WHEREAS, the Filley High School boys' basketball team won the Class D-2 Boys' State High School Basketball Championship; and

WHEREAS, the team won twenty-six of twenty-seven games played this 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-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Filley 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 Filley High School.

Laid over.

AMENDMENTS - Print in Journal

Mr. Lynch filed the following amendment to LB 1211:
AM3643

(Amendments to Standing Committee amendments, AM3209)

1. On page 6, line 22, after the period insert "Upon issuing such permit, the department shall mail a copy of the permitholder's completed application form and completed medical form with the permit number to the clerk or designated county official who originally accepted the application."; and strike beginning with "(5)" in line 23 through line 27.

2. On page 12, line 8, after "the" insert "State Treasurer for credit to the" and after "Vehicles" insert "Cash Fund".

Mr. Lynch filed the following amendment to LB 1053:
AM3626

1. Insert the following new section:

"Sec. 10. Section 45-713, Reissue Revised Statutes of Nebraska, is amended to read:

45-713. ~~Within~~ At least ten business days ~~after~~ prior to the transfer of servicing rights involving any mortgage loan, the licensee transferring the servicing rights shall send a written notice of transfer to each borrower which shall include:

(1) The effective date of the transfer;

(2) The name, address, and telephone number of the transferee and the name of a referral person or department of the transferee;

(3) Instructions concerning payments made before the effective date of the transfer; and

(4) Instructions concerning payments made after the effective date of the transfer.".

2. On page 30, line 10, strike "and" and after the first comma insert "and 45-713,".

3. Renumber the remaining sections accordingly.

Mr. Lynch filed the following amendment to LB 1053:
AM3625

1. Insert the following new section:

"Sec. 10. Section 45-711, Revised Statutes Supplement,

1995, is amended to read:

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) Not later than ~~January~~ October 1, 1996, establish and maintain a toll-free telephone number or accept collect telephone calls to respond to inquiries from borrowers, if the licensee presently services mortgage loans or has serviced mortgage loans in the previous twelve months. Electronic messaging shall not satisfy

the requirements of this section. Each day such licensee fails to comply with this subdivision shall constitute a separate violation of the Mortgage Bankers Registration and Licensing Act;

(6) 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

(7) Execute and deliver a release of mortgage pursuant to the provisions of section 76-252 or, in the case of a trust deed, execute and deliver a reconveyance pursuant to the provisions of section 76-1014.01.".

2. On page 30, line 12, strike "and" and after the first comma insert "and 45-711,".

3. Renumber the remaining sections accordingly.

Mr. Klein filed the following amendment to LB 108:
AM3708

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new sections:

"Sec. 6. Section 46-2,108, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,108. As used in sections 46-2,107 to 46-2,119, unless the context otherwise requires, instream appropriation ~~shall mean~~ means the undiverted application of the waters of a natural stream within or bordering upon the state for recreation or fish and wildlife purposes. An instream appropriation may be obtained only by ~~the Game and Parks Commission or~~ a natural resources district and only for that amount of water necessary for recreation or fish and wildlife. The instream use of water for recreation or fish and wildlife shall be considered a beneficial use of water.

Sec. 7. Section 46-2,109, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,109. Each natural resources district ~~and the Game and Parks Commission~~ shall conduct studies to identify specific stream segments which the district ~~or commission~~ considers to have a critical need for instream flows. Such studies shall quantify the instream flow needs in the identified stream segments. Any district ~~or the Game and Parks Commission~~ may request the assistance of the Conservation and Survey Division of the University of Nebraska, the Nebraska Natural Resources Commission, the Game and Parks Commission, the Department of Environmental Quality, the Department of Water Resources, or any other state agency in order to comply with this section.

Sec. 8. Section 46-2,110, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,110. Following notice and a public hearing, any natural resources district ~~or the Game and Parks Commission~~ may file with the Director of Water Resources an application for a permit to appropriate water for instream flows in each stream segment identified pursuant to section 46-2,109. The application

shall include the locations on the stream at which the need for instream flows begins and ends and the time of year when instream flows are most critical. The application shall also provide a detailed description of the amount of water necessary to provide adequate instream flows.".

2. Amend the repealer section, renumber the remaining sections, and correct internal references accordingly.

Mr. Klein filed the following amendments to LB 183:
(Amendments on file in the Clerk's Office - Room 2018:)
AM3688, AM3689, AM3690, AM3691, AM3692, AM3693, AM3694, AM3695, AM3696, AM3697, AM3698, AM3699, AM3700, AM3701, AM3702, AM3703, AM3704, AM3705, AM3706, and AM3707.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 1085. Placed on General File as amended.
(Standing Committee amendment, AM3649, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE RESOLUTION 292CA. Placed on General File as amended.
Standing Committee amendment to LR 292CA:
AM3650

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18, Article VIII, sections 1, 2, 4, and 6, Article IX, section 4, Article XI, section 1, Article XV, section 18, and Article XVII, section 4, and repeal Article IX, section 5:

XV-18 '(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

(2) The Legislature may provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section.

(3) In providing for the financing of (a) the joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments, the Legislature may provide for differences in tax rates as authorized in Article VIII, section 1, of this Constitution.'

III-18 'The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, ~~Town~~ plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County ~~and Township~~ offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates, and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, ~~Towns~~ and Villages, or changing or amending the charter of any ~~Town,~~ City, or Village.

Providing for the election of Officers in ~~Townships, incorporated Towns or~~ Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, ~~towns,~~ precincts, school districts, or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties, or forfeitures, creating, increasing, and decreasing fees, percentage, or allowances of public officers, during the term for which ~~said~~ the officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; ~~PROVIDED,~~ except that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans

or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted.'

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 differences in tax rates within and outside municipalities and on different classes of property so long as any such differences and classifications are reasonable and are required by either or both (a) an agreement between local governments for the support of a joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments; (4) 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, and 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)~~ (5) 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)~~ (6) 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)~~ (7) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; ~~(7)~~ (8) 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)~~ (9) 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.'

VIII-2 'Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user;

(3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.'

VIII-4 'Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, ~~township, town,~~ or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; ~~PROVIDED,~~ except that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions.'

VIII-6 'The Legislature may vest the corporate authorities of cities~~, towns~~ and villages~~,~~ with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special

assessments for the maintenance, repair and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe.'

IX-4 ' The Legislature shall provide by law for the election of such county ~~and township~~ officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~; PROVIDED, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties.'

XI-1 'No city, county, ~~town,~~ precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, ~~or~~ private corporation, or association.'

XVII-4 ' The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, ~~township~~ and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities~~,~~ and villages~~, and towns,~~ shall be elected at a general election to be held as aforesaid. An incumbent of any office shall hold over until his successor is duly elected and qualified.'

'Article IX, section 5, of the Constitution of Nebraska, is repealed.'.

Sec. 2. 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 legislation relating to mergers and consolidations by local governments, to authorize the Legislature to provide for differences in tax rates within and outside municipalities, to change a restriction on allocation of proceeds from motor vehicle taxes, to provide that property of the state and its governmental subdivisions is exempt from taxation to the extent such property is used for public purposes and to authorize classification and taxation of such property, and to repeal and eliminate provisions dealing with township organization and towns.

For

Against'.".

LEGISLATIVE BILL 1114. Placed on General File as amended.
(Standing Committee amendment, AM3657, 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 299. Placed on General File as amended.
(Standing Committee amendment, AM3654, 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 1177. Placed on General File as amended.
(Standing Committee amendment, AM3653, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jerome Warner, Chairperson

SELECT FILE

LEGISLATIVE BILL 1205. E & R amendment, AM7212, found in the Journal on page 921, was adopted.

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

Mr. Chambers renewed his pending amendment, FA451, found in the Journal on page 866.

Mr. Chambers withdrew his amendment.

Mr. Withem renewed his pending amendment, AM3608, found in the Journal on page 1092.

Mr. Bromm offered the following amendment to the Withem pending amendment:
AM3628

(Amendments to AM3608)

1. On page 1, line 5, after "act" insert "and the costs incurred by the board in preparing to resist, resisting, and lobbying against legislative bills which propose to sell all or part of the educational lands in the last twenty-five years, including this legislative bill".

Mr. Bromm withdrew his amendment.

Mr. Withem withdrew his amendment, AM3608.

Mr. Withem asked unanimous consent to replace his pending amendment, AM3604, found in the Journal on page 1093, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his amendment, AM3604, found in the Journal on page 1093.

Mr. Withem offered the following substitute amendment:
AM3730

(Amendments to E & R amendments, AM7212)

1. On page 1, line 4, strike "all"; in line 5 after "control" insert "on the effective date of this act"; strike beginning with "The" in line 7 through the period in line 12 and insert "The plan shall comply with the fiduciary duties of the board, but shall provide for the sale of enough of the total of the educational lands by January 1, 2008, to result in one-third of the value of the school trust permanent portfolio being invested by the board in agricultural real property located within the State of Nebraska and the remaining two-thirds of the value of the school trust permanent portfolio being invested by the state investment officer."; and after line 22 insert the following new subsection:

"(4) For purposes of this section, value of the school trust permanent portfolio means the total fair market value of the educational lands and of all stocks, bonds, and other assets comprising the permanent school fund.".

2. On page 2, line 1, after "board" insert "and the Nebraska Investment Council" and after "shall" insert "jointly"; and in line 3 after "The" insert "board's portion of the"; and in line 11 after the period insert "The council's portion of the report shall include a cost-benefit analysis which considers the unique characteristics of the land being sold versus the anticipated investment potential of proceeds resulting from the sale. The cost-benefit analysis model used shall be consistent with the standards of the investment industry at the time of the proposed sale.".

MRS. CROSBY PRESIDING

Mr. Wickersham offered the following amendment to the Withem pending amendment:
FA529

Amend AM3730 to AM7212
line 8 strike agriculture

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

The Wickersham amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Messrs. Wesely, Coordsen, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 10 nays, and 21 not voting.

Mr. Withem offered the following amendment to his pending amendment:
FA532
Amend AM3730
line six strike "1/3" insert "1/4"
line 9 strike "2/3" insert "3/4"

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Jones 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 Withem amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Landis and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem amendment, as amended, was adopted with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Klein asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA530
Amend E & R amend. (AM7212)
1. P.1, lines 7 & 8, strike "shall comply with the fiduciary duties of the board but"
2. In line 13, add, "In no case shall the plan or any part of it be executed if such execution violates the fiduciary duties of the board."

The Chambers amendment was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Dierks requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

Avery	Brown	Hudkins	Matzke	Schmitt
Bernard-Stevens	Cudaback	Janssen	Maurstad	Schrock
Beutler	Elmer	Jensen	McKenzie	Stuhr
Bohlke	Engel	Jones	Pedersen	Vrtiska
Brashear	Hartnett	Kristensen	Robinson	Wehrbein
Bromm	Hilgert	Lynch	Schellpeper	Wickersham
	Hillman			

Voting in the negative, 6:

Chambers	Dierks	Fisher	Lindsay	Warner
Crosby				

Present and not voting, 3:

Pirsch	Preister	Withem

Excused and not voting, 9:

Abboud	Klein	Robak	Wesely	Witek
Coordsen	Landis	Schimek	Will	

Advanced to E & R for engrossment with 31 ayes, 6 nays, 3 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1218. E & R amendment, AM7214, printed separately and referred to on page 979, was adopted.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 339. Introduced by Lynch, 13.

WHEREAS, the Omaha Roncalli boys' basketball team won the 1996 Class B Boys' State Basketball Tournament on March 9, 1996; and

WHEREAS, this was the first state basketball championship title won by the Crimson Pride; and

WHEREAS, Roncalli's victory over Hastings in the tournament final completed a great season with a 18-9 record; and

WHEREAS, the Roncalli boys' basketball team has demonstrated, in addition to its tremendous talent, a dedication and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, Coach Doug Woodard and the members of Omaha Roncalli High School boys' basketball team are deserving of special recognition for their success this season.

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

1. That the Legislature recognize and congratulate the Omaha Roncalli Crimson Pride boys' basketball team, their parents and families, all Roncalli supporters, and Coach Doug Woodard and his staff for their outstanding efforts.

2. That a copy of this resolution be sent to Omaha Roncalli High School.

Laid over.

LEGISLATIVE RESOLUTION 340. Introduced by Vrtiska, 1.

WHEREAS, the Sterling Jets won the Class C-2 Boys' Basketball State Championship; and

WHEREAS, the Jets compiled a season record of twenty-five wins and four losses; and

WHEREAS, the Jets' trip to the state championship game represented their fourth in a row, resulting in the fifth state boys' basketball championship in the school's history; and

WHEREAS, we should continue to recognize the achievements of our young people in all positive areas of endeavor.

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

1. That Jeremy Behrens, Matt Boden, Ryan Gee, Justin Haynes, Nathan Heusman, Mark Horstman, Jesse Keebler, Ryan McAuliffe, Doug Parde, Mark Reuter, Ryan Shea, and Josh Wilken be congratulated for their achievement in claiming the Class C-2 Boys' Basketball State Championship.

2. That coaches Brad Buller, D.J. Weddle, Eric Haynes, and Scott Friesen be applauded for their efforts in teaching and providing guidance to the young men on the Jets basketball team.

3. That a copy of this resolution be sent to Robert Norton, Superintendent, Sterling High School.

Laid over.

AMENDMENTS - Print in Journal

Mr. Schmitt filed the following amendment to LB 1055:
AM3521

(Amendments to E & R amendments, AM7213)

1. On page 4, strike lines 15 and 16 and insert "by the director.".

Mr. Lindsay filed the following amendment to LB 1188:
AM3712

(Amendments to Standing Committee amendments, AM3278)

1. On page 1, line 8, before the semicolon insert ", except that, for purposes of the act, hospital does not include a hospital having one hundred fifty or more beds".

Mr. Vrtiska filed the following amendment to LB 1248.
AM3726

(Amendments to E & R amendments, AM7215)

1. On page 1, strike lines 12 through 24 and insert the following new subdivisions:

"(a) Catastrophic financial emergency means a state of emergency within a local government caused by expenses of government which (i) are beyond the local government's ability to pay for, (ii) create an undue burden on the local government due to a lack of viable fiscal resources, (iii) are incurred as a result of activities the cost of which are required by state statute to be paid for by the local government combined with unreimbursed expenses incurred in relation to a disaster which has qualified for federal assistance, and (iv) are incurred within the five immediately preceding fiscal years but which may be related to acts or incidents that occurred not more than three years prior to that five-year period and may be ongoing;

(b) Disaster means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural cause, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, or oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or civil disturbance; and

(c) Local government means any county, city, or village in Nebraska.".

2. On page 2, strike lines 1 through 5; strike beginning with the second "the" in line 15 through "services" in line 17 and insert "local governments to pay for expenses relating to or resulting from a catastrophic financial emergency".

3. On page 3, line 11, strike "Approved claims" and insert "The State Claims Board shall have the discretion to approve or reject claims on the basis of both eligibility and merit. The claims the State Claims Board elects to approve"; in line 19 after the period insert "The Legislature may, at its discretion, elect to reverse the decision of the State Claims Board."; after line 19 insert the following new subsection:

"(7) If the State Claims Board elects to provide financial relief as a loan to an applicant, the Risk Manager and the applicant shall enter into an agreement, which shall include provisions for repayment to the fund of money loaned together with any interest. The rate of interest for the loan shall be three percent per annum, except that the board may elect to waive interest payments if the applicant can demonstrate extreme

financial hardship. The agreement shall further provide that repayment of the loan together with any interest thereon shall commence no later than one full year after the applicant is in receipt of the funds. The repayment period shall not exceed three years, except that the board may extend the time for making repayment in the event of extreme emergency or hardship."; in line 20 strike "(7)" and insert "(8)"; and in line 23 strike "(8)" and insert "(9)".

Mrs. McKenzie filed the following amendment to LB 1336:
AM3399

1. Insert the following new section:

"Sec. 7. Section 66-1345.01, Revised Statutes Supplement, 1995, is amended to read:

66-1345.01. An excise tax is levied upon all corn and grain sorghum sold through commercial channels in Nebraska or delivered in Nebraska. The tax is three-fourths cent per bushel for corn and three-fourths cent per hundredweight for grain sorghum. The tax shall be in addition to any fee imposed pursuant to sections 2-3623 and 2-4012. The excise tax shall be imposed on any sale or delivery occurring on or after July 1, 1995, and before January 1, 2001. The Legislature finds and declares that those in production agriculture have contributed sufficiently to support the Ethanol Production Incentive Cash Fund by the imposition of the excise tax. If additional funds are needed in the future to meet the Legislature's obligation to fully fund the Ethanol Production Incentive Cash Fund, those funds should come from sources other than production agriculture.

The excise tax shall be imposed at the time of sale or delivery and shall be collected by the first purchaser. The tax shall be collected, administered, and enforced in conjunction with the fees imposed pursuant to sections 2-3623 and 2-4012. The tax shall be collected, administered, and enforced by the Department of Agriculture. No corn or grain sorghum shall be subject to the tax imposed by this section 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. If, within ~~six months of~~ the life of the loan plus thirty days after the collection of the excise tax for corn or grain sorghum that is mortgaged as security for a loan under the federal price support program, the grower of the corn or grain sorghum so mortgaged decides to purchase the corn or grain sorghum and use it as feed, the grower shall be entitled to a refund of the excise tax previously paid. The refund shall be payable by the department upon the grower's written application for a refund. The application shall have attached proof of the tax deducted.

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.".

2. On page 3, line 25, after the last comma insert "and section 66-1345.01, Revised Statutes Supplement, 1995,".

3. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1117. Placed on General File.

(Signed) Ardyce Bohlke, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 1119. Placed on General File as amended.
Standing Committee amendment to LB 1119:
AM3722

1. Strike section 9.

2. On page 3, line 17; page 8, line 12; and page 9, line 10, strike "10" and insert "9".

3. Renumber the remaining sections accordingly.

(Signed) Bob Wickersham, Chairperson

MOTION - Reconsider Action on LB 1050

Mr. Bernard-Stevens moved to reconsider the Schimek amendment (re: AM3631) to LB 1050.

Laid over.

VISITORS

Visitor to the Chamber was Sloan Matzke from Omaha.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 5:08 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SECOND DAY - MARCH 12, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Greg Ubben, Grace Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Hilgert, Kristensen, Lindsay, Lynch, Matzke, Robinson, Warner, Mmes. Bohlke, Crosby, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1154, line 33, after "The" insert "second".
The Journal for the forty-first day was approved as corrected.

SELECT FILE

LEGISLATIVE BILL 1248. E & R amendment, AM7215, found in the Journal on page 984, was adopted.

Mr. Vrtiska withdrew his amendment, AM3726, found in the Journal on page 1172.

Mr. Vrtiska offered the following amendment:
AM3739

(Amendments to E & R amendments, AM7215)

1. On page 1, strike lines 12 through 24 and insert the following new subdivisions:

"(a) Catastrophic financial emergency means a state of emergency within a local government caused by expenses of government which (i) are beyond the local government's ability to pay, (ii) create an undue burden on the local government due to a lack of viable fiscal resources, (iii) are incurred as a result of activities the cost of which are required by state statute to be paid by the local government combined with unreimbursed expenses incurred in relation to a disaster which has qualified for federal assistance, and (iv) are incurred within the five immediately preceding fiscal years but which may be related to acts or incidents that occurred not more than three years prior to that five-year period and may be ongoing;

(b) Disaster means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural cause, including, but not limited to, fire, flood, earthquake, wind, storm, wave action, or oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, drought, infestation, explosion, riot, or civil disturbance; and

(c) Local government means any county, city, or village in Nebraska.".

2. On page 2, strike lines 1 through 5; in line 9 strike "under" through "circumstances"; in lines 10 and 14 strike "local governments" and insert "such local government"; in line 15 strike "grants or loans" and insert "a grant or loan"; strike beginning with "normal" in line 15 through "services" in line 17 and insert "local government to pay for expenses relating to or resulting from a catastrophic financial emergency"; in line 23 strike "related to any occurrence" and insert "incurred"; in line 24 strike "natural"; and strike lines 26 and 27 and insert the following new subdivision:

"(c) Documentation of expenses incurred within the immediately proceeding five fiscal years as a result of activities the cost of which are required by state statute to be paid for by the local government;".

3. On page 3, strike line 1; in line 11 strike "Approved claims" and insert "The State Claims Board shall have the discretion to approve or deny claims on the basis of both eligibility and merit. The claims the State Claims Board elects to approve"; in line 19 after the period insert "The Legislature may, at its discretion, elect to reverse the denial of claims under this section by the State Claims Board."; after line 19 insert the following new subsection:

"(7) If the State Claims Board elects to provide financial relief as a loan to a local government, the Risk Manager and the local government shall enter into an agreement, which shall include provisions for repayment to the fund of money loaned together with any interest. The rate of interest for the loan shall be three percent per annum, except that the board may elect

to waive interest payments if the local government can demonstrate extreme financial hardship. The agreement shall further provide that repayment of the loan together with any interest thereon shall commence no later than one full year after the local government is in receipt of the funds. The repayment period shall not exceed three years, except that the board may extend the time for making repayment in the event of extreme emergency or hardship."; in line 20 strike "(7)" and insert "(8)"; and in line 23 strike "(8)" and insert "(9)".

SPEAKER WITHEM PRESIDING

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

Mr. Vrtiska offered the following amendment to his pending amendment:
FA533
Amend AM3739 on page 1, line 7, strike "viable".

Mr. Vrtiska withdrew his amendment.

Pending.

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

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 108. 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.)

(Signed) Chris Beutler, Chairperson

Transportation

LEGISLATIVE BILL 1341. Placed on General File as amended. Standing Committee amendment to LB 1341:
AM3385
1. Strike the original sections and insert the following new sections:
"Section 1. Section 60-320.01, Reissue Revised Statutes of Nebraska, is amended to read:
60-320.01. (1) Any person purchasing a motor vehicle in this state other than from a licensed dealer in motor vehicles, including purchasers of vehicles from the State of Nebraska or any

political subdivision of the state, shall not operate such motor vehicle in this state without registration except as provided in this section. Such purchaser may operate such motor vehicle without registration for a period not to exceed thirty days. Upon demand of proper authorities, there shall be presented by the person in charge of such vehicle, for examination, evidence of transfer of the vehicle which may include a bill of sale, an assigned certificate of title, a purchase agreement, or other document of conveyance which is signed by the seller and the purchaser, which is dated, and which specifically identifies the vehicle. ~~a certificate showing the date of transfer and the certificate of title to such vehicle with assignment thereof duly executed.~~ When such vehicle is purchased from a nonresident, the person in charge of such vehicle shall present upon demand proper evidence of ownership from the state where such vehicle was purchased.

(2) Any motor vehicle referred to in subsection (1) of this section may be operated or parked on the public highways of this state when such vehicle displays an In Transit decal which meets the requirements of subsection (3)(b) of section 60-320 and such form utilized for the decal has been approved by the Department of Motor Vehicles. It shall be unlawful for any person to operate or park on the public highways of this state any motor vehicle referred to in subsection (1) of this section which displays an In Transit decal or other document indicating transfer of a motor vehicle when such decal or document is not a form approved by the Department of Motor Vehicles.

(3) Any person, firm, or corporation in this state engaged in the business of equipping, modifying, repairing, or detailing motor vehicles which are not registered and which are not owned by such person, firm, or corporation shall make an application to the Department of Motor Vehicles for a certificate and one numbered plate. Such application shall be accompanied by a fee of thirty dollars. Additional certificates and plates may be procured for a fee of thirty dollars each. Such numbered plates shall be designed by the department and shall bear a mark and be serially numbered so as to be distinguished from each other. Such plates may be used solely for the purpose of equipping, modifying, repairing, detailing, and delivering such motor vehicles. Upon demand of proper authorities, the operator of such motor vehicle shall present a written statement from the owner authorizing operation of such vehicle.

~~Any purchaser of a vehicle from the State of Nebraska or any political subdivision of the state may operate such vehicle without registration for a period of thirty days. Upon demand of proper authority, satisfactory proof of ownership, which shall be either the certificate of title to such vehicle with assignment thereof duly executed or a bill of sale which describes such vehicle with identification number, shall be presented by the~~

~~person in charge of such vehicle for examination.~~
Sec. 3. Original section 60-320.01, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Doug Kristensen, Chairperson

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 590:
(Amendment, AM3617, 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 filed the following amendment to LB 108:
AM3686
(Amendments to Standing Committee amendments, AM3613)
1. On page 32, line 17, after "conditions" insert "or conflicts with surface water users"; in line 19 reinstate the stricken comma; and in line 20 before "or" insert "varying surface water uses,".
2. On page 33, strike lines 6 through 12; and in line 13 strike "(c)" and insert "(b)".

Mr. Bernard-Stevens filed the following amendment to LB 754:
AM3749
(Amendments to E & R amendments, AM7202)
1. On page 1, line 5, after "state" insert "and any teacher, counselor, supervisor, or administrator who received his or her degree from a postsecondary educational institution outside this state who is applying for renewal of a certificate or permit to teach, counsel, supervise, or administer in any elementary or secondary school in this state".

SELECT FILE

LEGISLATIVE BILL 1248. The Vrtiska pending amendment, AM3739, found in this day's Journal, was renewed.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Vrtiska amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

MR. WILL PRESIDING

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1141. Mrs. Witek withdrew her amendment, FA433, found in the Journal on page 743.

Mr. Bernard-Stevens withdrew his amendments, AM3225 and AM3241, found in the Journal on pages 817 and 841.

Mr. Bernard-Stevens offered the following amendment:
AM3289

1. Strike the original sections and insert the following new sections:

"Section 1. Section 83-925.07, Revised Statutes Supplement, 1995, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation

services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be ~~replaced~~ supplemented with purchased community-based evaluation services. The community-based evaluation services shall replace the evaluation services available at the Youth Diagnostic and Rehabilitation Center by December 31, 1999. ~~The replacement shall be completed by December 31, 1996.~~ All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 2. Original section 83-925.07, Revised Statutes Supplement, 1995, is repealed.

Sec. 3. The following section is outright repealed: Section 83-4,104.01, Reissue Revised Statutes of Nebraska.".

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

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

Mrs. Witek renewed her pending amendment, FA477, found in the Journal on page 982.

Mrs. Witek withdrew her amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1141A. Considered.

Mr. Bernard-Stevens moved to indefinitely postpone LB 1141A.

The Bernard-Stevens motion to indefinitely postpone prevailed with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Pedersen and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 964. E & R amendment, AM7207, found in the Journal on page 906, was adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM3257, found in the Journal on page 902.

SPEAKER WITHEM PRESIDING

Mr. Brashear 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 26 ayes, 1 nay, and 22 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Abboud	Bohlke	Kristensen	Pirsch	Witek
Bernard-Stevens	Hilgert	Matzke	Warner	Withem
	Jensen	Maurstad		

Voting in the negative, 26:

Beutler	Fisher	Klein	Robinson	Stuhr
Bromm	Hartnett	Landis	Schellpeper	Vrtiska
Brown	Hudkins	Lindsay	Schimek	Wesely
Chambers	Janssen	Pedersen	Schmitt	Wickersham
Crosby	Jones	Preister	Schrock	Will
Elmer				

Present and not voting, 6:

Avery	Cudaback	Hillman	McKenzie	Wehrbein
Coordsen				

Absent and not voting, 1:

Robak

Excused and not voting, 4:

Brashear	Dierks	Engel	Lynch

The Bernard-Stevens amendment lost with 12 ayes, 26 nays, 6 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Kristensen withdrew his amendment, AM3033, found in the Journal on page 902.

Mr. Cudaback renewed his pending amendment, AM3505, found in the Journal on page 1066.

Mrs. Pirsch asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. COORDSEN PRESIDING

The Cudaback amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

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

Mrs. Witek and Mr. Bernard-Stevens renewed their pending amendment, AM3003, found in the Journal on page 1081.

Mr. Chambers offered the following amendment to the Witek-Bernard-Stevens pending amendment:
FA534
Amend Witek Amend. (AM3003),
P. 1, line one, strike "shall do any electioneering or"

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

Mr. Chambers withdrew his amendment.

Mrs. Crosby 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 and Mr. Bernard-Stevens withdrew their amendment, AM3003.

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 985. Placed on General File.
LEGISLATIVE BILL 1116. Placed on General File.
LEGISLATIVE BILL 1301. Placed on General File.

LEGISLATIVE BILL 149. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.
LEGISLATIVE BILL 607. Indefinitely postponed.
LEGISLATIVE BILL 622. Indefinitely postponed.
LEGISLATIVE BILL 625. Indefinitely postponed.
LEGISLATIVE BILL 639. Indefinitely postponed.
LEGISLATIVE BILL 670. Indefinitely postponed.
LEGISLATIVE BILL 674. Indefinitely postponed.
LEGISLATIVE BILL 740. Indefinitely postponed.
LEGISLATIVE BILL 944. Indefinitely postponed.
LEGISLATIVE BILL 1029. Indefinitely postponed.
LEGISLATIVE BILL 1149. Indefinitely postponed.
LEGISLATIVE BILL 1254. Indefinitely postponed.
LEGISLATIVE BILL 1319. Indefinitely postponed.
LEGISLATIVE BILL 1337. Indefinitely postponed.
LEGISLATIVE BILL 1372. Indefinitely postponed.

LEGISLATIVE RESOLUTION 29CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 280CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 303CA. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 932:
AM3017

1. Insert the following new sections:

"Sec. 3. Section 12-809, Reissue Revised Statutes of Nebraska, is amended to read:

12-809. Care given to such cemetery by a county under sections 12-807 to ~~12-811~~ 12-810 may include the removal of shrubbery, trees, or brush, the erection of adequate fences, the planting of grass, flowers, trees, and shrubbery, repair and uprighting of tombstones and gravemarkers, and any other care normally accorded to cemeteries.

Sec. 4. Section 12-810, Reissue Revised Statutes of Nebraska, is amended to read:

12-810. Any county affected by sections 12-807 to ~~12-811~~ 12-810 shall provide for one mowing annually of such cemetery within a period of two weeks prior to Memorial Day. Within five years after maintenance and preservation of such cemetery is commenced by such county, a historical marker giving the date of the establishment of the cemetery and a short history of the cemetery shall be placed at the site of such cemetery. One

directional marker showing the way to such cemetery may be placed on the nearest state highway to such cemetery.

Sec. 6. The following section is outright repealed: Section 12-811, Reissue Revised Statutes of Nebraska.".

2. On page 2, line 3, strike "12-811", show as stricken, and insert "12-810"; in lines 16 and 19 strike "12-811" and insert "12-810"; and strike beginning with "section" in line 25 through line 26 and insert "sections 12-808, 12-809, and 12-810, Reissue Revised Statutes of Nebraska, are repealed.".

3. Renumber the remaining section accordingly.

Mr. Fisher filed the following amendment to LB 1277:
AM3741

1. Insert the following new sections:

"Sec. 3. Section 9-306.01, Revised Statutes Supplement, 1994, is amended to read:

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. 5. Section 9-326, Reissue Revised Statutes of Nebraska, is amended to read:

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 6, line 6, strike "9-332.01" and insert "9-326, 9-332.01,"; and in line 7 after "9-301," insert "9-306.01,".

3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 964:
AM3448

1. On page 5, line 25, after "include" insert "with the ballot a secrecy envelope,"; and in line 26 after "envelope" insert an underscored comma.

2. On page 6, line 1, after the comma insert "seal the ballot in the secrecy envelope,"; and in line 16 after the period insert "The election commissioner or county clerk shall keep the return envelopes received from registered voters unopened in a fireproof safe or other suitable location which is locked until delivered to the counting board.".

3. On page 8, line 4, after "returned" insert "in the sealed secrecy envelope which is".

Ms. Schimek filed the following amendment to LB 964:
FA535

Amend AM3605 by deleting (1) impersonates or makes a false representation in order to obtain a ballot for an election to be held by mail as provided in Sections 4 to 11 of this act, and renumber following sections

Messrs. Lindsay and Wesely filed the following amendment to LB 1055:
AM3733

1. Insert the following new sections:

"Section 1. (1) For purposes of sections 69-2401 to 69-2425 and this section, the Nebraska State Patrol shall be furnished upon the patrol's request with only such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to state or federal law. Such information shall be furnished by the Department of Public Institutions. The clerks of the various courts shall furnish to the Department of Public Institutions within thirty days of the order of commitment or finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-3702. The Department of Public Institutions shall also maintain in the data base a listing of persons committed to treatment pursuant to section 29-3702. Information regarding mental health board commitments and commitments pursuant to section 29-3702 shall not be retained in the data base maintained by the department on persons who have been discharged from those commitments more than five years previously. Any such information maintained or disclosed under this subsection shall remain privileged and confidential and shall not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II

misdemeanor in addition to other civil or criminal liability under state or federal law.

Sec. 2. Section 69-2402, Revised Statutes Supplement, 1994, is amended to read:

69-2402. For purposes of sections 69-2401 to 69-2425 and section 1 of this act:

(1) Antique handgun or pistol shall mean any handgun or pistol, including those with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898 and any replica of such a handgun or pistol if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(2) 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.

Sec. 3. Section 69-2405, Revised Statutes Supplement, 1994, is amended to read:

69-2405. Upon the receipt of an application for a certificate, the chief of police or sheriff shall issue a certificate or deny a certificate and furnish the applicant the specific reasons for the denial in writing. The chief of police or sheriff shall be permitted up to two days in which to conduct an investigation to determine whether the applicant is prohibited by law from purchasing or possessing a handgun. If the certificate or denial is mailed to the applicant, it shall be mailed to the applicant's address by first-class mail within the two-day period. If it is determined that the purchase or possession of a handgun by the applicant would be in violation of applicable federal, state, or local law, the chief of police or sheriff shall deny the certificate. In computing the two-day period, the day of receipt of the application shall not be included and the last day of the two-day period shall be included. The two-day period shall expire at 11:59 p.m. of the second day unless it is a Saturday, Sunday, or legal holiday in which event the period shall run until 11:59 p.m. of the next day which is not a Saturday, Sunday, or legal holiday. No later than the end of the two-day period the chief of police or sheriff shall issue or deny such certificate and, if the certificate is denied, furnish the applicant the specific reasons for denial in writing. No civil liability shall arise to any law enforcement agency if such law enforcement agency complies with sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act.

Sec. 4. Section 69-2408, Revised Statutes Supplement, 1994, is amended to read:

69-2408. Any person who willfully provides false information on an application form for a certificate under section 69-2404 shall, upon conviction, be guilty of a Class IV felony, and

any person who intentionally violates any other provision of sections 69-2401 and 69-2403 to 69-2407 and section 1 of this act shall, upon conviction, be guilty of a Class I misdemeanor. As a part of the judgment of conviction, the court may order the confiscation of the handgun.

Sec. 5. Section 69-2409, Revised Statutes Supplement, 1994, is amended to read:

69-2409. It is the intent of the Legislature that the Nebraska State Patrol implement an expedited program of upgrading Nebraska's automated criminal history files to be utilized for, among other law enforcement purposes, an instant criminal history record check on handgun purchasers when buying a handgun from a licensed importer, manufacturer, or dealer so that such instant criminal history record check may be implemented as soon as possible on or after January 1, 1995.

The patrol's automated arrest and conviction records shall be reviewed annually by the Superintendent of Law Enforcement and Public Safety who shall report the status of such records within thirty days of such review to the Governor and the Clerk of the Legislature. The instant criminal history record check system shall be implemented by the patrol on or after January 1, 1995, when, as determined by the Superintendent of Law Enforcement and Public Safety, eighty-five percent of the Nebraska arrest and conviction records since January 1, 1965, available to the patrol are included in the patrol's automated system. Not less than thirty days prior to implementation and enforcement of the instant check system, the patrol shall send written notice to all licensed importers, manufacturers, and dealers outlining the procedures and toll-free number described in sections 69-2410 to 69-2423.

Upon implementation of the instant criminal history record check system, a person who desires to purchase, lease, rent, or receive transfer of a handgun from a licensed importer, manufacturer, or dealer may elect to obtain such handgun either under sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act or under sections 69-2410 to 69-2423 and section 1 of this act.

Sec. 6. Section 69-2410, Revised Statutes Supplement, 1994, is amended to read:

69-2410. No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver any handgun to another person other than a licensed importer, manufacturer, dealer, or collector until he or she has:

(1)(a) Inspected a valid certificate issued to such person pursuant to sections 69-2401 and 69-2403 to 69-2408 and section 1 of this act; and

(b) Inspected a valid identification containing a photograph of such person which appropriately and completely identifies such person; or

(2)(a) Obtained a completed consent form from the potential buyer or transferee, which form shall be established by

the Nebraska State Patrol and provided by the licensed importer, manufacturer, or dealer. The form shall include only the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee;

(b) Inspected a valid identification containing a photograph of the potential buyer or transferee which appropriately and completely identifies such person;

(c) Requested by toll-free telephone call or other electromagnetic communication that the Nebraska State Patrol conduct a criminal history record check; and

(d) Received a unique approval number for such inquiry from the Nebraska State Patrol indicating the date and number on the consent form.

Sec. 7. Section 69-2421, Revised Statutes Supplement, 1994, is amended to read:

69-2421. Any licensed importer, manufacturer, or dealer who knowingly and intentionally sells or delivers a handgun in violation of sections 69-2401 to 69-2425 and section 1 of this act shall be guilty of a Class IV felony.

Sec. 8. Section 69-2422, Revised Statutes Supplement, 1994, is amended to read:

69-2422. For purposes of sections 69-2401 to 69-2425 and section 1 of this act, any person who knowingly and intentionally obtains a handgun for the purposes of transferring it to a person who is prohibited from receipt or possession of a handgun by state or federal law shall be guilty of a Class IV felony.

Sec. 9. Section 69-2424, Revised Statutes Supplement, 1994, is amended to read:

69-2424. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out sections 69-2401 to 69-2425 and section 1 of this act.

Sec. 10. Section 69-2425, Revised Statutes Supplement, 1994, is amended to read:

69-2425. Any city or village ordinance existing on September 6, 1991, shall not be preempted by sections 69-2401 to 69-2425 and section 1 of this act.

Sec. 20. Section 83-109, Reissue Revised Statutes of Nebraska, is amended to read:

83-109. The Department of Public Institutions shall have general control over the admission of patients and residents to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him or her. A record of every patient or resident of every institution shall be kept complete from the date of his or her entrance to the date of his or her discharge or death, such records to be accessible only (1) to the department, a legislative committee, the Governor, any federal agency requiring medical records to adjudicate claims for federal benefits, and any public or private agency under contract to provide facilities, programs, and patient services, (2) upon

order of a judge or court, ~~or~~ (3) in accordance with sections 20-161 to 20-166, or (4) the Nebraska State Patrol pursuant to section 1 of this act. In addition, a patient or resident or his or her legally authorized representative may authorize the specific release of his or her records, or portions thereof, by filing with the department a signed written consent. Transfers of patients or residents from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers. When the department is unable to assign a patient to a regional center or commit him or her to any other institution at the time of application, a record thereof shall be kept and the patient accepted at the earliest practicable date. The superintendents of the regional centers and Beatrice State Developmental Center shall notify the department immediately whenever there is any question regarding the propriety of the commitment, detention, transfer, or placement of any person admitted to a state institution. The department shall then investigate the matter and take such action as shall be proper. Any interested party who is not satisfied with such action may appeal such action, and the appeal shall be in accordance with the Administrative Procedure Act. The department shall have full authority on its own suggestion or upon the application of any interested person to investigate the physical and mental status of any patient or resident of any regional center or the Beatrice State Developmental Center. If upon such investigation the department considers such patient or resident fit to be released from the regional center or Beatrice State Developmental Center, it shall cause such patient or resident to be discharged or released on convalescent leave.

Sec. 21. Section 83-1068, Reissue Revised Statutes of Nebraska, is amended to read:

83-1068. All records kept on any subject of a petition shall remain confidential, except as may be provided otherwise by law. Such records shall be accessible to (1) the subject, (2) the subject's counsel, (3) the subject's parents or guardian if the subject is a minor or legally incompetent, (4) the mental health board having jurisdiction over the subject, (5) persons authorized by an order of a judge or court, ~~or~~ (6) persons authorized by written permission of the subject, or (7) the Nebraska State Patrol or the Department of Public Institutions pursuant to section 1 of this act. Upon application by the county attorney or by the director of the facility where the subject is in custody and upon a showing of good cause therefor, a judge of the district court of the county where the mental health board proceedings were held or of the county where the facility is located may order that the records shall not be made available to the subject if, in the judgment of the court, the availability of such records to the subject will adversely affect his or her mental state and the treatment thereof.".

2. On page 2, line 4, strike "3 to 9" and insert "13 to 19".

3. On page 6, line 24, strike "6 and 7" and insert "16 and 17"; in line 26 strike "and" and insert a comma, and after "81-1414" insert ", 83-109, and 83-1068"; and in line 27 after the comma insert "and sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994,".

4. Renumber the remaining sections accordingly.

Messrs. Wehrbein, Brashear, Maurstad, Engel, Mmes. Hillman, Brown, and Crosby filed the following amendment to LB 1189:
AM3734

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendment:

"31. On page 91, lines 4 and 6, strike '11,970,151' and insert '8,034,854'.".

2. On page 33, lines 17 and 18, strike "1,585,781" and insert "1,600,781".

3. On page 34, line 14, strike "$14,254,268" and insert "$18,189,565".

4. Renumber the remaining amendments accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 341. Introduced by Pirsch, 10; Brown, 6; Brashear, 4; Abboud, 12; Lindsay, 9; Preister, 5; Jensen, 20; Witek, 31; Will, 8; Hilgert, 7.

WHEREAS, crime in the neighborhoods of Omaha has increased to an unacceptable level; and

WHEREAS, the neighbors of Omaha have joined with law enforcement to promote safer streets; and

WHEREAS, the Omaha police have cooperated with and supported the citizens of Omaha in their efforts by training and assisting Neighborhood Citizen Patrols; and

WHEREAS, these Neighborhood Citizen Patrols have experienced real success in protecting their neighborhoods and reducing crime; and

WHEREAS, these citizens have gained not only knowledge of their neighborhoods but increased camaraderie and respect for each other; and

WHEREAS, the same Neighborhood Citizen Patrols have sparked over fifty new Neighborhood Watch groups in the community; and

WHEREAS, the Neighborhood Citizen Patrols have accomplished a great deal in a short time and have impacted crime control in a positive manner.

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

1. That the Legislature commends the efforts of the Neighborhood Citizen Patrols and recognizes their contribution to the increased safety of their community.

2. That the Legislature congratulates the award winners of the First Annual Neighborhood Citizen Patrols Banquet to be held on March 28, 1996.

3. That this resolution be presented to the members of the Neighborhood Citizen Patrols on that date.

Laid over.

VISITORS

Visitors to the Chamber were Diane Ubben and children from Omaha; Steve Longchamps and Ron Nealeigh from Norfolk; 47 fourth grade students and teachers from Bennington Elementary School; 20 representatives from the Nebraska Federation of Catholic School Parents from across Nebraska; four seniors, teacher, and sponsor from Laurel; Mick Mines and Jim Taylor from Blair; and 30 third through eighth grade students and teacher from Burt County Home School, Tekamah.

RECESS

At 12:07 p.m., on a motion by Mrs. Stuhr, 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 Messrs. Beutler, Brashear, Dierks, Hartnett, Hilgert, Janssen, Landis, Lindsay, Lynch, Robinson, Wehrbein, Wesely, Will, Mmes. Bohlke, Hillman, Robak, and Witek who were excused until they arrive.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1061. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 847A:
AM3684

1. On page 2, line 1, strike "$146,678" and insert "$158,314"; and in lines 2 and 3 strike "$1,497" and insert "$1,616".

RESOLUTION

LEGISLATIVE RESOLUTION 342. 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 the 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 accompanying 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 which is provided free to every student taking the ASVAB; and

WHEREAS, approximately eleven thousand students from about eighty-five percent of the high schools in Nebraska participate in the ASVAB 18/19 Career Exploration Program each year.

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

1. That the Legislature recognizes the week of March 18-24, 1996, as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1218A. Title read. Considered.

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

Advanced to E & R for review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 1248A. Title read. Considered.

Mr. Vrtiska moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 645A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 901. Mrs. McKenzie renewed her pending motion, found in the Journal on page 1107, to reconsider the vote on the Wickersham amendment AM3277 to LB 901. (Journal page 975)

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

MR. WILL PRESIDING

PRESIDENT ROBAK PRESIDING

Messrs. Cudaback and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. McKenzie requested a roll call vote on her motion to reconsider.

Voting in the affirmative, 24:

Abboud	Chambers	Jensen	McKenzie	Wesely
Bernard-Stevens	Coordsen	Jones	Robak	Wickersham
Bohlke	Crosby	Landis	Schellpeper	Will
Brashear	Elmer	Lindsay	Schimek	Witek
	Hilgert	Matzke	Vrtiska	Withem

Voting in the negative, 16:

Bromm	Fisher	Hillman	Janssen	Kristensen
Engel	Hartnett	Hudkins	Klein	Pedersen

Robinson Schrock Stuhr Warner Wehrbein
Schmitt

Present and not voting, 5:

Avery Brown Dierks Maurstad Pirsch

Excused and not voting, 4:

Beutler Cudaback Lynch Preister

The McKenzie motion to reconsider lost with 24 ayes, 16 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Messrs. Schellpeper, Vrtiska, and Dierks filed the following amendment to LB 1104:

AM3747

1. Insert the following new section:

"Sec. 3. Section 60-6,290, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,290. (1)(a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that:

(i) A bus may exceed the forty-foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact;

(ii) A truck-tractor may exceed the forty-foot limitation;

(iii) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation; and

(iv) A semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load.

(b) No combination of vehicles shall exceed a length of sixty-five feet, extreme overall dimensions, inclusive of front and rear bumpers and including load, except:

(i) One truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being

transported into or through the state during daylight hours if the total length does not exceed seventy-five feet including load;

(ii) A truck-tractor single semitrailer combination;

(iii) A truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices; and

(iv) A driveaway saddlemount vehicle transporter combination and driveaway saddlemount with fullmount vehicle transporter combination, but the total overall length shall not exceed seventy-five feet.

(c) A truck shall be construed to be one vehicle for the purpose of determining length.

(d) A trailer shall be construed to be one vehicle for the purpose of determining length.

(2) Subsection (1) of this section shall not apply to:

(a) Extra-long vehicles which have been issued a permit pursuant to section 60-6,292;

(b) Vehicles which have been issued a permit pursuant to section 60-6,299;

(c) The temporary moving of farm machinery during daylight hours in the normal course of farm operations;

(d) The movement of unbaled livestock forage vehicles, loaded or unloaded;

(e) The movement of public utility or other construction and maintenance material and equipment at any time;

(f) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return;

(g) The overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof; ~~or~~

(h) The overhang of a combine to be engaged in harvesting, while being transported into or through the state driven during daylight hours by a truck-tractor semitrailer combination, but the length of the semitrailer, including overhang, shall not exceed sixty-three feet and the maximum semitrailer length shall not exceed fifty-three feet; or

~~(h)~~ (i) Any rubber-tired crane with a fixed load when the requirements of subdivision (2)(j) of section 60-6,288 are met.

(3) The length limitations of this section shall be exclusive of safety and energy conservation devices such as rearview mirrors, turnsignal lights, marker lights, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations

of this section shall have by its design or use the capability to carry cargo.".

2. On page 15, line 10, strike "section 60-601" and insert "sections 60-601 and 60-6,290".

3. Renumber the remaining sections accordingly.

Mr. Lindsay filed the following amendment to LB 1088:
(Amendment, AM3755, 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
Revenue

LEGISLATIVE BILL 1176. Placed on General File as amended.
Standing Committee amendment to LB 1176:
AM3651

1. On page 4, line 13, strike "and"; and in line 18 after "act" insert "; and

(7) Trucks, truck-trailers, trailers, semitrailers, or combinations thereof registered under section 60-305.09.".

2. On page 5, lines 6 and 8, strike "Tax" and insert "Fee"; strike lines 11 through 16 and insert "(3) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (a) Sixty-five percent to the Tax Equity and Educational Opportunities Fund, (b) twenty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund, and (c) fifteen percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources. All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act."; and in line 19 strike "1997" and insert "1998" and strike "1998" and insert "1999".

3. On page 12, line 6, strike "(m)" and insert "(q)".

4. On page 17, lines 2 and 21, strike the new matter; and in lines 3 and 22, strike the comma and show as stricken.

5. On page 29, lines 22 through 25 and 28 strike the new matter.

6. On page 30, lines 1 through 9, reinstate the stricken matter and strike the new matter; and in line 10 reinstate the "(3)" and after the reinstated matter insert "The Motor Vehicle Tax

Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

7. On page 74, line 1, strike "1997" and insert "1998".

LEGISLATIVE BILL 1262. Placed on General File as amended.
Standing Committee amendment to LB 1262:
AM3655

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-201, Revised Statutes Supplement, 1994, is amended to read:

77-201. (1) Except as provided in subsection (2) of this section, all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value.

(2) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its taxable value.

(3) Tangible personal property, not including motor vehicles registered for operation on the highways of this state, shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its net book value. Tangible personal property transferred as a gift or devise or as part of a transaction which is not a purchase shall be subject to taxation based upon the date the property was acquired by the previous owner and at the previous owner's Nebraska adjusted basis. Tangible personal property acquired as replacement property for converted property shall be subject to taxation based upon the date the converted property was acquired and at the Nebraska adjusted basis of the converted property unless insurance proceeds are payable by reason of the conversion. For purposes of this subsection, (a) converted property means tangible personal property which is compulsorily or involuntarily converted as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation, or the threat or imminence thereof, and no gain or loss is recognized for federal or state income tax purposes by the holder of the property as a result of the conversion and (b) replacement property means tangible personal property acquired within two years after the close of the calendar year in which tangible personal property was converted and which is, except for date of construction or manufacture, substantially the same as the converted property.

(4) Motor vehicles registered for operation on the highways of this state shall constitute a separate and distinct

class of property for purposes of taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued as provided in sections 77-1239 to 77-1241.01.

Sec. 2. Original section 77-202, Revised Statutes Supplement, 1994, is repealed.".

LEGISLATIVE BILL 1381. Placed on General File as amended.
Standing Committee amendment to LB 1381:
AM3656

1. Strike section 2 and insert the following new section:

"Sec. 2. Section 77-1348, Reissue Revised Statutes of Nebraska, is amended to read:

77-1348. (1) Whenever land which has received special valuation under subsection (1) of section 77-1344 becomes disqualified for such valuation pursuant to section 77-1347, the assessor shall notify the owner and there shall be added to the tax extended against the land on the next general property tax roll, to be collected and distributed in the same manner as other taxes levied upon real estate, an amount equal to the sum of the following:

(a) ~~The~~ If the land was disqualified for the special valuation pursuant to section 77-1347 before the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued without regard to subsection (1) of section 77-1344 during the last ~~five~~ three or lesser number of years in which such agricultural or horticultural use valuation was in effect for the land, and, if the land was disqualified on or after the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued without regard to subsection (1) of section 77-1344 during the last four or lesser number of years in which such agricultural or horticultural use valuation was in effect for the land; and

(b) Interest upon the amounts of additional tax from each year included in subdivision (1)(a) of this section at the rate of six percent from the dates at which such additional taxes would have been payable if no special valuation under subsection (1) of section 77-1344 had been in effect.

(2) In cases when the designation of specially valued land is removed as a result of a sale or transfer described in subdivision (2) of section 77-1347 other than an acquisition described in subsection (4) of this section, the lien for such increased taxes and interest shall attach as of the day preceding such sale or transfer.

(3) Land receiving special assessment as agricultural use land immediately prior to August 26, 1983, which becomes disqualified on August 26, 1983, solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by Laws 1983, LB 26, shall

not be subject to subsection (1) of this section at that time, but shall be subject to subsection (1) of this section if any other event occurs which would disqualify such land if it were receiving the special valuation under subsection (1) of section 77-1344.

(4) The provisions of subsection (1) of this section do not apply if the land was acquired by eminent domain or if the land was sold to a public entity which would have had the authority to acquire the land by eminent domain.".

2. On page 3, line 22, strike "2" and insert "3" and strike "77-1347" and insert "77-1348".

(Signed) Jerome Warner, Chairperson

Education

LEGISLATIVE BILL 1014. Placed on General File as amended.
Standing Committee amendment to LB 1014:
AM3513

1. On page 63, lines 14 and 17, strike "with policies of" and insert "in cooperation with".

2. On page 66, line 13, strike "The", show as stricken, and insert "Subject to the approval of the Legislature, or if the Legislature is not in session, the Executive Board of the Legislative Council, the".

3. On page 90, line 13, strike "79-1276 to 79-1279,".

LEGISLATIVE BILL 1015. Placed on General File as amended.
Standing Committee amendment to LB 1015:
AM3514

1. On page 7, line 24, after "within" insert "the boundaries of".

2. On page 11, strike beginning with "if" in line 25 through line 28, show the old matter as stricken, and insert an underscored period.

LEGISLATIVE BILL 1016. Placed on General File as amended.
Standing Committee amendment to LB 1016:
AM3515

1. On page 9, line 15; page 14, line 12; page 15, line 15; page 16, lines 2, 6, and 27; page 17, lines 14 and 21; page 18, lines 14 and 23; page 19, lines 8 and 15; page 36, lines 10 and 16; and page 59, line 4 strike "Visually" and show as stricken.

2. On page 9, line 15; page 14, line 13; page 15, line 15; page 16, lines 2, 6, and 28; page 17, lines 14 and 21; page 18, lines 14 and 24; page 19, lines 9 and 16; page 36, lines 11 and 16; and page 59, line 4, before "Impaired" insert "Blind and Visually".

LEGISLATIVE RESOLUTION 47CA. Indefinitely postponed.

(Signed) Ardyce Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 901. Mr. Elmer renewed his pending amendment, FA478, found in the Journal on page 997.

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

Mr. Elmer moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Elmer requested a roll call vote on his amendment.

Voting in the affirmative, 32:

Abboud	Crosby	Jones	Pirsch	Vrtiska
Bernard-Stevens	Elmer	Klein	Robak	Wesely
Bohlke	Fisher	Landis	Robinson	Wickersham
Bromm	Hilgert	Lindsay	Schellpeper	Will
Chambers	Hudkins	Lynch	Schmitt	Witek
Coordsen	Janssen	Matzke	Stuhr	Withem
	Jensen	McKenzie		

Voting in the negative, 13:

Avery	Cudaback	Hillman	Schimek	Warner
Brashear	Engel	Kristensen	Schrock	Wehrbein
Brown	Hartnett	Maurstad		

Present and not voting, 2:

Dierks Pedersen

Excused and not voting, 2:

Beutler Preister

The Elmer amendment was adopted with 32 ayes, 13 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Messrs. Landis and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Avery asked unanimous consent to replace his pending amendment, AM3572, found in the Journal on page 1084, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM3572, found in the Journal on page 1084.

Mr. Avery offered the following substitute amendment:
FA536

AM to Standing Committee Amendment (AM3071)

(1) On page 2, line 24 after "by" insert "more than five miles per hour but".

(2) On page 7, line 7, strike "seventy-five" and insert "seventy".

(3) On page 12, line 6, strike "Twenty-five" and insert "Ten".

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

Mr. Avery withdrew his amendment.

Mr. Wickersham renewed his pending amendment, AM3638, found in the Journal on page 1142.

Mr. Wickersham withdrew his amendment.

Mr. Wickersham withdrew his amendment, AM3614, found in the Journal on page 1142.

Mr. Chambers offered the following amendment:
FA537

Amend AM3071

1. Page 12, line 3, strike beginning with "a" through "60-6,190" in line 4 and insert "any highway or freeway";
2. Line 6, strike "Twenty-five" and insert "Ten";
3. Line 8, strike "Fifty" and insert "Twenty-five";
4. Line 10, strike "One hundred" and insert "Fifty";
5. Line 12, strike "Two hundred" and insert "Seventy-five";
6. Line 14, strike "Two hundred fifty" and insert "One hundred"
7. Page 12, strike lines 16-27;
8. Page 13, strike lines 1-3;

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

Mr. Maurstad offered the following amendment to the Chambers pending amendment:
FA538

Amend Chambers Amendment

4. Strike Fifty and insert Seventy-five

5. Strike Seventy-five and insert $ One hundred and twenty-five
6. Strike one hundred and insert two hundred.

The Maurstad amendment was adopted with 25 ayes, 3 nays, 17 present and not voting, and 4 excused and not voting.

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, as amended.

Voting in the affirmative, 28:

Bernard-Stevens	Cudaback	Hudkins	McKenzie	Vrtiska
Bohlke	Dierks	Janssen	Preister	Wesely
Bromm	Elmer	Klein	Robak	Wickersham
Chambers	Engel	Lindsay	Robinson	Will
Coordsen	Hartnett	Lynch	Schellpeper	Withem
	Hillman	Maurstad	Schmitt	

Voting in the negative, 16:

Avery	Fisher	Jones	Pirsch	Stuhr
Brashear	Hilgert	Kristensen	Schimek	Warner
Brown	Jensen	Pedersen	Schrock	Witek
Crosby				

Present and not voting, 1:

Matzke

Excused and not voting, 4:

Abboud	Beutler	Landis	Wehrbein

The Chambers amendment, as amended, was adopted with 28 ayes, 16 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Avery withdrew his amendment, FA493, found in the Journal on page 1084.

Mr. Landis requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Avery	Bohlke	Brown	Dierks	Hartnett
Bernard-Stevens	Brashear	Chambers	Elmer	Hilgert
	Bromm	Coordsen	Fisher	Hillman

Janssen	Lynch	McKenzie	Schmitt	Wickersham
Klein	Matzke	Robak	Vrtiska	Will
Kristensen	Maurstad	Schellpeper	Wesely	Withem
Lindsay				

Voting in the negative, 16:

Crosby	Jensen	Pedersen	Robinson	Stuhr
Cudaback	Jones	Pirsch	Schimek	Warner
Engel	Landis	Preister	Schrock	Witek
Hudkins				

Excused and not voting, 3:

Abboud	Beutler	Wehrbein

Advanced to E & R for review with 30 ayes, 16 nays, and 3 excused and not voting.

Mr. Klein asked unanimous consent to be excused. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1155A. 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 1155, Ninety-fourth Legislature, Second Session, 1996.

LEGISLATIVE BILL 1273A. 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 1273, Ninety-fourth Legislature, Second Session, 1996.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1152. Placed on General File as amended.
Standing Committee amendment to LB 1152:
AM3758

1. Strike the original sections and insert the following new section:

"Section 1. The following section is outright repealed:

Section 79-4,228, Reissue Revised Statutes of Nebraska, as amended by section 100, Legislative Bill 900, Ninety-fourth Legislature,

6 Second Session, 1996.".

(Signed) Ardyce Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 343. Introduced by Wickersham, 49; Wehrbein, 2; Lynch, 13; Crosby, 29; Robak, 22.

WHEREAS, section 79-1509.02, Reissue Revised Statutes of Nebraska, allowed noncertificated school employees who previously elected not to be included in the School Retirement System of the State of Nebraska to file, after January 1, 1978, and prior to July 1, 1978, an election to be included in membership of the system; and

WHEREAS, section 79-1509.03, Reissue Revised Statutes of Nebraska, allowed noncertificated school employees employed after January 1, 1978, and prior to July 1, 1978, to file until June 30, 1978, an election not to be included in membership of the system, thereby waiving all rights within the system except to a refund of accumulated contributions; and

WHEREAS, the Public Employees Retirement Board allowed certain noncertificated school employees access to the School Retirement System of the State of Nebraska after July 1, 1978, when the election for membership had closed pursuant to sections 79-1509.02 and 79-1509.03, Reissue Revised Statutes of Nebraska; and

WHEREAS, the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems do not have the statutory authority to allow noncertificated school employees who previously elected nonmembership to join the School Retirement System of the State of Nebraska; and

WHEREAS, members of the Public Employees Retirement Board and state officers and employees are charged with the duties and responsibilities of administration of the retirement systems and funds and are required to lawfully execute their duties; and

WHEREAS, certain noncertificated school employees may have relied upon representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems that such employees could join the School Retirement System of the State of Nebraska at any time by filing a membership registration with the retirement office; and

WHEREAS, the rights of the affected noncertificated school employees to participate in the School Retirement System of the State of Nebraska remain unclear; and

WHEREAS, it is vital that the retirement systems be administered with certainty and in accordance with the law both statutory and constitutional; and

WHEREAS, legislation creating rights for the affected noncertificated school employees could be challenged under Article III, sections 18 and 19 of the Constitution of the State of Nebraska; and

WHEREAS, the representations, communications, and actions of the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems and any reliance upon those representations by the noncertificated school employees may have created constitutionally protected contract rights to participate in the School Retirement System of the State of Nebraska; and

WHEREAS, the Attorney General has issued an opinion advising the Public Employees Retirement Board that some constitutionally protected rights to participate in the School Retirement System of the State of Nebraska have been created; and

WHEREAS, the Attorney General has not brought an action to resolve the conflict between his opinion and the applicable statutes; and

WHEREAS, the Legislature may direct the Attorney General to undertake specific actions pursuant to subdivision (9) of section 84-205.

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

1. That the Nebraska Legislature request the Attorney General for the State of Nebraska, under the authority vested in him by section 84-205, Reissue Revised Statutes of Nebraska, to initiate an action at the earliest possible date to determine the following:

(a) Whether sections 79-1509.02 and 79-1509.03 were constitutionally enacted;

(b) Whether the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems allowing certain noncertificated school employees who elected nonmembership prior to July 1, 1978, access to the School Retirement System of the State of Nebraska after July 1, 1978, created membership rights in the system for them based upon the theory of estoppel;

(c) Whether (i) the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems allowing certain noncertificated school employees who elected nonmembership prior to July 1, 1978, access to the School Retirement System of the State of Nebraska after July 1, 1978, created membership rights for them in the system based upon the theory of contract; (ii) whether implementation of sections 79-1509.02 and 79-1509.03 would unconstitutionally impair such contract rights, if created; and (iii) if so, whether sections 79-1509.02 and 79-1509.03 are constitutional;

(d) Whether the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems to certain noncertificated school employees who elected nonmembership prior to July 1, 1978, and have not applied for membership since July 1, 1978, have created any rights which allow such employees to join the system; and

(e) Whether any current or past member of the Public Employees Retirement Board or any current or past employee of the Nebraska

Public Employees Retirement Systems is individually liable for his or her representations, communications, or actions contrary to the provisions of sections 79-1509.02 and 79-1509.03.

Laid over.

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 373A:
AM3762

1. On page 2, after line 8 insert:
"If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law, the unexpended General Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 175, Medical Student Loans, for FY1996-97.".

Mr. Wickersham filed the following amendment to LB 1273:
AM3709

1. Insert the following new section:
"Sec. 13. The member and alternate payee shall hold the system and its fiduciaries harmless from any liabilities which arise from (1) treating a domestic relations order as being, or not being, a qualified domestic relations order, or (2) taking action pursuant to section 11 of this act. The system's obligation to the member and each alternate payee shall be discharged to the extent of any payment made pursuant to the Spousal Pension Rights Act.".
2. On page 2, line 1, strike "12" and insert "13".
3. On page 6, line 2, after the period insert "Upon good cause shown, the board may accept an order after ninety days following its entry."; strike lines 22 through 24; in line 25 strike "(c)" and insert "(b)"; and in line 27 strike "(d)" and insert "(c)".
4. On page 7, line 2, after "(2)" insert "Failure to file an order within ninety days after its entry shall not be the basis for determining that an order is not a qualified domestic relations order.
(3)"; in line 8 strike "(3)" and insert "(4)"; and in line 13 after determination insert ", by the board, its designee, or a court of competent jurisdiction,".
5. On page 8, line 4, strike "(1)"; and strike lines 10 through 14.
6. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 604:
AM3774

(Amendments to AM3624)

1. Insert the following new sections:

"Section 1. It is the intent of the Legislature that:

(1) By the year 2000, all Nebraska school districts will be kindergarten through grade twelve districts;

(2) By the year 2000, each such district shall contain a minimum student population of six hundred students residing in the district and a minimum property tax base of $225,000 valuation per resident student;

(3) By the year 2000, the boundaries of such districts shall be contiguous and, where possible, conform to county boundaries, natural boundaries, or transportation routes;

(4) Beginning in school year 2000-2001 through school year 2014-2015, all children whose family domicile changes to another school district pursuant to the requirements of this act would have the option to continue attending their original school district;

(5) Beginning in the year 2000, members of school boards or boards of education of school districts organized pursuant to the requirements of this act will be elected from election wards of as nearly as possible equal population; and

(6) Attendance centers in existence prior to June 1, 2000, shall, beginning June 1, 2000, be maintained to the extent that the school board or board of education of the kindergarten through grade twelve district can do so and still meet the fiscal and educational efficiency standards established by sections 1 to 6 of this act.

Sec. 2. For purposes of sections 1 to 6 of this act:

(1) Attendance center means a school building in a school district to which teachers and students are assigned on a daily basis;

(2) Contiguous boundaries means boundaries of two or more school districts touching each other in a continuous line from beginning to end;

(3) County committee means the county committee for the reorganization of school districts created pursuant to section 79-426.05;

(4) Election ward means a defined region within a kindergarten through grade twelve school district containing population equal to the population of all other such regions in the district;

(5) Kindergarten through grade twelve district means a school district under the direction of a single school board responsible for the education of children in grades kindergarten thorough twelve;

(6) Resident district means the kindergarten through grade twelve school district in which the family of school-age children is domiciled; and

(7) State committee means the State Committee for the Reorganization of School Districts created by section 79-426.03.

Sec. 3. The reorganization of school districts into

districts meeting the requirements of section 1 of this act shall be accomplished by reorganization plans developed and monitored by the state committee and the county committee.

The state committee, with input from the county committee, shall develop state and regional plans for the reorganization of school districts. County committees shall develop county reorganization plans which do not conflict with the state and regional plans developed by the state committee. The state committee shall provide planning assistance to the county committees and school districts.

Sec. 4. Until June 1, 2000, school districts shall have the opportunity to voluntarily reorganize to meet the minimum student population and valuation standards and the boundary standards established in section 1 of this act. Beginning June 1, 2000, the state committee shall implement the state and regional reorganization plans for school districts which have not voluntarily reorganized to meet such standards.

Sec. 5. On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve school districts which meet sparsity minimum enrollment and transportation requirements criteria shall weight formula students at 1.10.

On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve school districts which meet the minimum student population and valuation standards established in section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 79-3803 in the district at 1.05.

On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve districts which meet the boundary standards established in section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 79-3803 in the district at 1.05.

On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve districts which carry out planning studies pursuant to section 6 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 79-3803 in the district at 1.02.

On and after the effective date of this act through school year 1999-2000, school districts which do not meet the minimum student population and valuation standards and the boundary standards established pursuant to section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 79-3803 in the district at 0.90.

Sec. 6. The Legislature shall provide necessary and

sufficient funds for planning studies providing guidance to school districts to carry out the state and regional reorganization plans developed by the state committee.

Sec. 7. The State Department of Education and the Education Committee of the Legislature shall prepare legislation for introduction in the 1997 regular session of the Legislature, which legislation shall provide for any amendments to existing statutes needed to carry out the legislative intent and the requirements of sections 1 to 6 of this act.".

2. Renumber the remaining sections accordingly.

Mr. Lynch filed the following amendment to LB 1304:
AM3748

1. In the Standing Committee amendment, AM3208, on page 2, line 3, strike "A40-1996" and insert "A40-1993".

2. On page 2, lines 14 and 19; and page 3, line 24, strike "A40-1996" and insert "A40-1993".

COMMUNICATIONS

March 12, 1996

Mr. Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, NE 68509

Dear Mr. Clerk:

Please be advised that today the Executive Board approved the Speaker's designation of five major proposals as outlined in Rule 1, Sec. 17(a).

LB 108
LB 299
LB 1114
LB 1368
LB 1375

Feel free to contact me if you have questions.

Sincerely,
(Signed) George Coordsen
Chair - Executive Board

March 11, 1996

Patrick O'Donnell
Clerk of the Legislature

Rm 2018, State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-404, R.R.S. of Nebraska, 1943, Legislative approval is requested for the following project to be funded by a Parking revenue bond issue.

Parking Structure Project -- The University of Nebraska-Lincoln proposes to construct a 600-stall parking structure on the west side of City Campus. The project will also include space to relocate Parking Services and the Athletic Ticket Offices, and include 8,100 GSF of new commercial retail space. The project is estimated to cost $7,655,000.

Request. The University requests approval for this Parking Structure project totaling $7,655,000 to be financed through the issuance of a Parking revenue bond.

The Board of Regents authorized this project at its January 13, 1996 meeting. The Coordinating Commission for Postsecondary Education recommended this project for approval on March 5, 1996.

Respectfully submitted,
(Signed) James B. Milliken
Vice President for External Affairs
and Corporation Secretary

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of bond request.

University of Nebraska Bond Request - Appropriations

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

WITHDRAW - Cointroducer

Mrs. Pirsch withdrew her name as cointroducer to LB 1044.

VISITORS

Visitors to the Chamber were Senator Brown's mother, Norma Kemp, from Broken Bow, son, Paul Brown, and niece, Ali Kemp, from Omaha; Dave Hutsell, Ann Fagan, and Phil and Steve Troester from

Hampton; Susanne Gilbert and Jason and Jenny Taylor from Omaha; Mr. and Mrs. Floyd Olson from Omaha; Senator Bromm's sister and brother-in-law, Bob and Joan Anderson, from Tekamah; and Myra Katherine Hale "Miss Nebraska" from North Platte and Marsha Hecox from Gothenburg.

ADJOURNMENT

At 4:38 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, March 13, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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FORTY-THIRD DAY - MARCH 13, 1996

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 13, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 1996

Pursuant to adjournment, the Legislature met at 8:33 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, Avery, Bernard-Stevens, Beutler, Chambers, Engel, Hilgert, Kristensen, Landis, Lindsay, Lynch, Matzke, Schellpeper, Warner, Wickersham, Will, Mmes. Bohlke, Hudkins, Pirsch, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 96022

DATE: March 12, 1996

SUBJECT: LB 1255, as amended - Eligibility of Racetracks to Conduct Interstate Simulcasting.

REQUESTED BY: Senator Stan Schellpeper
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 LB 1255, as amended by the General Affairs Committee. The amendments to LB 1255 propose to amend Neb. Rev. Stat. § 2-1228 (Cum. Supp. 1994) to include a provision specifying "that a licensed racetrack which has conducted live racing for at least five consecutive years in the prior ten years may conduct interstate simulcasting without conducting live racing for a period not to exceed two years," provided the organization representing a majority of licensed horse owners and trainers at the most recent live race meet at the racetrack gives its consent. LB 1255, as amended, § 4. You have asked us to address three questions relating to the interpretation of the interstate simulcasting provisions in § 2-1228, in order to assist you in determining the need for the amendatory language in LB 1255.

The statutory provisions pertaining to interstate simulcasting were originally enacted in 1989. 1989 Neb. Laws, LB 591, §§ 7, 8. Section 7 of LB 591 (**codified at** Neb. Rev. Stat. § 2-1228 (Supp. 1989)), provided:

> Any racetrack issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least ninety percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace.

In 1993, § 2-1228 was amended. 1993 Neb. Laws, LB 471, § 3. LB 471 altered the requirement that, in order for a racetrack conducting primarily thoroughbred racing to be eligible to apply to the commission for an interstate simulcast facility license, the racetrack had to conduct live racing on at least ninety percent of the days for which it was authorized to hold live racing in 1988, absent a Commission determination that it was unable to do so due to factors beyond its control. LB 471 reduced the number of live racing days which the racetrack was required to conduct in the previous year to be eligible to apply for an interstate simulcasting facility license to seventy percent of the days for which it was authorized to hold live racing in 1988. In addition, LB 471 added the following language to § 2-1228:

> The commission shall not authorize interstate simulcasting for any racetrack pursuant to sections 2-1201 to 2-1223 unless all of the thoroughbred racetracks together applied for and received authority to conduct at least one hundred eighty live racing days in the calendar year in which the application is made. If any racetrack conducts live racing for less than seventy percent of the days assigned such racetrack in 1988, (a) such racetrack shall be precluded from conducting interstate simulcasts and (b) the number of live racing days conducted by such racetrack shall be subtracted from an amount equal to seventy percent of all the days assigned such racetrack in 1988 and the amount remaining shall be deducted from the one-hundred-eighty-day total required by this section. If any racetrack ceases to conduct live racing, seventy percent of the days assigned such racetrack in 1988 shall be deducted from the one-hundred-eighty-day total required by this section.

Your questions, of course, pertain to the proper interpretation of the interstate simulcasting provisions contained in § 2-1228. Prior to addressing your specific questions, it is appropriate to review certain basic tenets of statutory interpretation.

A fundamental principle of statutory construction is to attempt to ascertain legislative intent and to give effect to that intent. **County of Lancaster v. Maser,** 224 Neb. 566, 400 N.W.2d 238 (1987). The reasons for the enactment of a statute, and the purposes and objects of the act, may be guides in attempting to give effect to the intent of lawmakers. **State v. Jennings,** 195 Neb. 434, 238 N.W.2d 477 (1976). A sensible construction will be placed upon a statute to effectuate the object of legislation, rather than a literal interpretation that would have the effect of defeating legislative intent. **Worley v. City of Omaha,** 217 Neb. 77, 348 N.W.2d 123 (1984). Effect must be given, if possible, to all the several parts of a statute. **NC+ Hybrids v. Growers Seed Ass'n,** 219 Neb. 296, 363 N.W.2d 362 (1985). As far as practicable, courts must give effect to the language of a statute and reconcile different statutory language so that parts of a statute are consistent, harmonious, and sensible. **Rosnick v. Marks,** 218 Neb. 499, 357 N.W.2d 186 (1984). In construing a statute, resort may be had to the history of its passage for the purpose of determining legislative intent. **Georgetown Ltd. Partnership v. Geotechnical Services, Inc.,** 230 Neb. 22, 430 N.W.2d 34 (1988).

Your first question is whether § 2-1228 authorizes the State Racing Commission {"Commission"} to issue an interstate simulcast license to a racetrack not conducting live racing if the racetrack conducted live racing in the prior year on at least seventy percent of the days it conducted live racing in 1988, or whether § 2-1228 should be interpreted to prohibit a racetrack from engaging in interstate simulcasting in the year in which it does not conduct a live race meet, even if the racetrack conducted live racing for the required number of days in the previous year.

As noted above, § 2-1228 originally provided that, for a thoroughbred racetrack to be eligible for licensing to conduct interstate simulcasting, it was required to conduct live racing on at least ninety percent of the days it conducted live racing in 1988 "in the year immediately preceding the year for which application" was made. 1989 Neb. Laws, LB 591, § 7. In 1993, this language was amended by replacing the requirement that a racetrack seeking an interstate simulcast facility license conduct live racing in the year preceding application on at least ninety percent of the days it held live racing in 1988 with a requirement that it conduct live racing in the year preceding application on at least seventy percent of the days it conducted live racing in 1988. 1993 Neb. Laws, LB 491, § 3. In addition, LB 471 added new language to § 2-1228, including a provision stating that, "{i}f any racetrack conducts live racing for less than seventy percent of the days assigned such racetrack in 1988, (a) such racetrack shall be precluded from conducting interstate simulcasts. . . ."

Thus, while part of § 2-1228 provides that a racetrack's eligibility to conduct interstate simulcasting is based on the racetrack's conduct of live racing on at least seventy percent of the live racing days held in 1988 in the preceding year, another part indicates that, if a racetrack does not do so in the year in which application is made, it may not conduct interstate simulcasting. The apparent conflict between these provisions creates an ambiguity which makes it difficult to construe the legislative intent behind the statute.

The Committee Statement to LB 471 reflects that the committee amendments to the bill proposed to amend § 2-1228 "to provide that licensed Nebraska racetracks must conduct live horseracing on at least 70% of the days they were authorized to conduct live horseracing in 1988 in order to be granted an interstate simulcasting license in the following year." Committee Records on LB 417, 93rd Neb. Leg., 1st Sess., 2 (January 28, 1993). During floor debate on the bill, references were made to the changing of the "90 percent" requirement to "70 percent" as the main impetus behind the legislation. Floor Debate on LB 471, 93rd Neb. Leg., 1st Sess. 890 (Statements of Sens. Schellpeper and Will); 892 (Statement of Sen. Crosby). The amendment adding the additional language to § 2-1228, including that portion stating that a racetrack which conducted live racing for less than seventy percent of the days assigned in 1988 would be "precluded from conducting interstate simulcasts," was described as part of an "agreement" or "compromise" between horsemen, breeders, and the racetracks, designed to insure that all racetracks would continue to conduct at least 180 days of live racing in a year in order for interstate simulcasting to be permitted. Floor Debate on LB 471, 2432 (Statement of Sen. Schellpeper); 2433 (Statement of Senator Will). With regard to racetracks which did not conduct live racing, the amendment was explained as providing that a portion of those racing days "would be deducted. . .from the 180 day requirement. . . ." **Id.** at 2432 (Statement of Sen. Schellpeper).

The above-referenced history indicates that the Legislature, in amending § 2-1228 in 1993, intended to reduce the number of days of live racing which a racetrack must conduct in the preceding year from 90 percent to 70 percent of the number of days of live racing conducted by the racetrack in 1988 for purposes of determining a racetrack's eligibility to conduct interstate simulcasting. In spite of the apparently inconsistent language contained in the other portion of the amendment, referred to above, there is no indication that the Legislature intended to alter the concept of basing eligibility on a percentage of the number of days of live racing a racetrack held in the "preceding year." In construing a statute, no sentence, clause, or word should be rejected as meaningless or superfluous. **Weiss v. Union Ins. Co.,** 202 Neb. 469, 276 N.W.2d 88 (1979). Thus, it appears that, under § 2-1228, a racetrack's eligibility to receive an interstate simulcast license is based on its conduct of live racing in the "preceding year" on at least seventy percent of the days it conducted live racing in 1988.

We caution, however, that this interpretation is not certain, and that the statute is susceptible to a construction that racetracks which do not conduct live racing for the required number of days in the "calendar year," or year of application, may not conduct interstate simulcasting. While we do not believe that this is the result intended by the Legislature, it is not an unreasonable construction of the statute. Accordingly, to the extent there is any doubt as to the proper construction of § 2-1228, enactment of legislation such as LB 1255, as amended, would certainly be advisable, in order to clarify the Legislature's intent in this regard.

Your second question is whether, if a licensed racetrack does not conduct live racing in 1996 for at least seventy percent of the days it conducted live racing in 1988, the racetrack would be eligible to conduct interstate simulcasting in 1997.

Based on the interpretation of § 2-1228 given above, a racetrack which does not conduct live racing in a year for at least seventy percent of the days it conducted live racing in 1988 is not eligible to apply for an interstate simulcast facility license in the subsequent year. The only exception would be if the Commission were to find that the racetrack "was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster,. . . ." Neb. Rev. Stat. § 2-1228 (Cum. Supp. 1994). Thus, absent a Commission finding that this exception is applicable, a racetrack which does not conduct live racing for the number of days required by § 2-1228 during 1996 will not be eligible to receive an interstate simulcast license for 1997.

Your third and final question is whether the language in § 2-1228, allowing the Commission to determine that a racetrack unable to conduct live racing for the required number of days due to "factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster," permits the Commission to authorize interstate simulcasting in either a year in which a racetrack does not

conduct a live race meet or the subsequent year, if the reason the racetrack does not conduct a live race meet is due to "economic conditions which may or may not be beyond the control of the racetrack."

In an informal opinion to the Commission dated October 15, 1992, we expressed our view regarding the interpretation of the language in § 2-1228 empowering the Commission to issue an interstate simulcast facility license to a racetrack which did not qualify based on the number of live racing days it conducted in the preceding year due to "factors beyond {the racetrack's} control. . . ." Op. Att'y Gen. No. I92-078 (October 15, 1992). At that time, we stated:

> In our view, the language employed in § 2-1228(2) does not demonstrate an intent by the Legislature to restrict the Commission to consideration of only whether a 'fire, earthquake, tornado, or other natural disaster' prevented a racetrack from reaching the threshold requirement of conducting live racing for ninety {now seventy} percent of the days on which live racing was conducted at the racetrack in 1988 in order to permit a finding by the Commission of the existence of 'factors beyond {a racetrack's} control' for purposes of applying this exception. The statute grants authority to the Commission to 'determine{} that {a} racetrack was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster. . . .' (Emphasis added). In our opinion, the emphasized language evinces an intent by the Legislature to allow circumstances other than natural disasters as being within the scope of the Commission's authority to consider in determining whether 'factors beyond {a racetrack's} control' exist within the exception provided under § 2-1228(2). The determination of whether such factors exist in a given case must, of course, be made by the Commission.

Id. at 2 (emphasis in original).

Consistent with our prior opinion, we do not believe that the factors which the Commission is authorized to consider in determining if "factors beyond {a racetrack's} control" exist for purposes of the exception in § 2-1228 are limited to circumstances in the nature of "natural disasters." The statute gives the Commission discretion to determine what circumstances may constitute "factors beyond {a racetrack's} control" by stating that the Commission is "not limited to" consideration of the specific types of factors designated. With respect to your question, we believe it is inappropriate for us to speculate as to whether Commission consideration of factors such as "economic conditions" would be improper in its exercise of the power granted. That is a matter which the statute commits to the reasoned discretion of the Commission.

Very truly yours,
DON STENBERG
Attorney General

(Signed) L. Jay Bartel
Assistant Attorney General

7-63-7.1
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 633. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 383. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 965. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1082. Title read. Considered.

Mr. Maurstad renewed his pending amendment, AM3352, found in the Journal on page 1029.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 442. Title read. Considered.

Standing Committee amendment, AM2812, found in the Journal on page 620, 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 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1139. Title read. Considered.

Standing Committee amendment, AM2937, found in the Journal on page 648, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

MOTION - Reconsider Action on LB 296

Mr. Beutler moved to reconsider the passage of LB 296 on final reading with the emergency clause stricken.

Laid over.

AMENDMENT - Print in Journal

Mrs. Brown filed the following amendment to LB 299:
AM3767
(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 16. It is the intent of the Legislature that reductions in school expenditures made to meet spending lid reductions as a result of enactment of this legislative bill:

(1) Protect the instructional programming for students and their activities;

(2) Unless every reasonable reduction in middle management and central office expenditures and positions has been made, there should be no reduction in expenditures or positions in music, drama, summer school, or like activities;

(3) Reductions in associated or affected classroom instruction should be considered only as a last resort and after including administration travel, memberships, lobbying, transportation, and capital outlays; and

(4) Any reduction in school spending as a result of the enactment of this legislative bill should affect classroom instruction only after all other reasonable spending reductions have occurred.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1076. Placed on Select File as amended.
(E & R amendment, AM7232, 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 1155. Placed on Select File as amended.
(E & R amendment, AM7236, 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 1174. Placed on Select File as amended.

E & R amendment to LB 1174:
AM7228

1. On page 1, line 3, after "change" insert "and eliminate"; and in line 4 after "area" insert "provisions".

2. On page 3, line 6, strike the first comma and show as stricken.

3. On page 5, line 11, reinstate the stricken comma; and in lines 13 and 14 strike "carried", show as stricken, and insert "transported".

4. On page 6, line 22, strike ", or", show as stricken, and insert "or,".

5. On page 7, line 21, strike the comma and show as stricken.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1189. Title read. Considered.

Messrs. Landis and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM3434, printed separately and referred to on page 1091, was considered.

Mr. Wehrbein renewed the Appropriations Committee pending amendment, AM3549, found in the Journal on page 1093, to the Standing Committee amendment.

Mmes. McKenzie, Hillman, Messrs. Hilgert, Kristensen, and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Hartnett moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Will requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Avery	Brown	Engel	Hudkins	Jones
Brashear	Crosby	Fisher	Janssen	Klein
Bromm	Elmer	Hartnett	Jensen	Lynch

Matzke	Pirsch	Schellpeper	Vrtiska	Wickersham
Maurstad	Preister	Schrock	Wehrbein	Witek
Pedersen	Robinson	Stuhr	Wesely	

Voting in the negative, 7:

Chambers	Cudaback	Lindsay	Warner	Will
Coordsen	Kristensen			

Present and not voting, 9:

Abboud	Beutler	Hillman	Schimek	Withem
Bernard-Stevens	Bohlke	Robak	Schmitt	

Excused and not voting, 4:

Dierks	Hilgert	Landis	McKenzie

The motion to cease debate prevailed with 29 ayes, 7 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a roll call vote on the Appropriations Committee amendment.

Mr. Avery requested the roll call vote be taken in reverse order.

Voting in the affirmative, 36:

Abboud	Engel	Jensen	Pirsch	Stuhr
Beutler	Fisher	Jones	Preister	Vrtiska
Bohlke	Hartnett	Klein	Robak	Warner
Brashear	Hilgert	Lindsay	Robinson	Wehrbein
Bromm	Hillman	Lynch	Schellpeper	Wesely
Coordsen	Hudkins	Matzke	Schmitt	Wickersham
Crosby	Janssen	Pedersen	Schrock	Will
Elmer				

Voting in the negative, 7:

Avery	Bernard-Stevens	Brown	Cudaback	Maurstad
		Chambers	Kristensen	

Present and not voting, 3:

Schimek	Witek	Withem

Excused and not voting, 3:

Dierks Landis McKenzie

The Appropriations Committee amendment was adopted with 36 ayes, 7 nays, 3 present and not voting, and 3 excused and not voting.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 343 was referred to the Reference Committee.

MESSAGE FROM THE GOVERNOR

March 7, 1996

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 Coordinating Commission for Postsecondary Education.

APPOINTEE: Keith W. Vrbicky, M.D., Midwest OB-GYN Clinic, P.C., 1603 Prospect Ave, Norfolk, NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1138. Placed on Select File as amended.
E & R amendment to LB 1138:
AM7230
1. On page 1, line 4, strike "and" and after "section"
insert "; and to declare an emergency".

LEGISLATIVE BILL 1138A. Placed on Select File as amended.
E & R amendment to LB 1138:
AM7231

1. On page 1, line 3, after the semicolon insert "to provide powers and duties for the Nebraska Educational Telecommunications Commission;".

2. On page 4, line 4, strike "balance" and insert "balances"; and in line 5 strike "is" and insert "are".

LEGISLATIVE BILL 922. Placed on Select File as amended.
E & R amendment to LB 922:
AM7229

1. On page 1, line 2; and page 2, lines 1 and 2 and 13 and 14, strike "Revised Statutes Supplement, 1994" and insert "Reissue Revised Statutes of Nebraska".

LEGISLATIVE BILL 922A. Placed on Select File.

LEGISLATIVE BILL 1336. Placed on Select File as amended.
E & R amendment to LB 1336:
AM7235

1. On page 1, line 4, strike "membership vacancy, fee," and insert "provisions for filling vacancies on the Corn Development, Utilization, and Marketing Board; to change fee".

2. On page 2, line 8, strike "Unless", show as stricken, and insert "For purposes of the Nebraska Corn Resources Act, unless"; in line 13 after the first comma insert "for"; and in line 17 after "Members" insert "of the board".

LEGISLATIVE BILL 253. Placed on Select File as amended.
E & R amendment to LB 253:
AM7233

1. In the Standing Committee amendments, AM0189, on page 2, line 4, strike "department", show as stricken, and insert "Department of Motor Vehicles".

2. On page 1, line 1, after "amend" insert "section 60-105, Reissue Revised Statutes of Nebraska, and"; in line 2 after "provide" insert "requirements for vehicles without a vehicle identification number; to provide"; in line 3 after the semicolon insert "to provide fees; to harmonize provisions;"; and in line 4 strike "section" and insert "sections".

LEGISLATIVE BILL 253A. Placed on Select File as amended.
E & R amendment to LB 253A:
AM7234

1. On page 1, line 3; and page 2, line 5, strike "First Session, 1995" and insert "Second Session, 1996".

2. On page 2, line 2, strike "FY1995-96" and insert "FY1996-97".

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 344. Introduced by Bromm, 23.

WHEREAS, the Wahoo Warriors Boys Basketball team won the 1996 Nebraska Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Warriors finished the season with a record of 23-3; and

WHEREAS, the Warriors have a combined record over the past nine years of 225-7; and

WHEREAS, Wahoo has qualified for the state tournament for 10 consecutive years; and

WHEREAS, the Warriors most recent state championships were in 1988, 1989, 1990, 1991, 1993, and 1994; and

WHEREAS, Head Coach Mark Watton and assistant Darwin Leyman showed commendable guidance throughout the season; and

WHEREAS, the senior leadership of the team was outstanding; and

WHEREAS, all members of the team were instrumental in attaining the state championship; and

WHEREAS, the team members exemplified dedication, discipline, and perseverance through talent and hard work.

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

1. That the Legislature recognizes and congratulates the Wahoo Boys Basketball team and the coaches, parents, and supporters.
2. That a copy of this resolution be sent to Wahoo High School.

Laid over.

LEGISLATIVE RESOLUTION 345. Introduced by Bromm, 23.

WHEREAS, the Leigh Lady Panthers won the 1996 Nebraska D-1 Girls' State Basketball Championship; and

WHEREAS, the Lady Panthers beat previously undefeated Litchfield by a score of 58-43 in the championship game; and

WHEREAS, the members of the team have exemplified the characteristics of courage, determination, and good sportsmanship throughout the season; and

WHEREAS, coaches Jeremy Van Ackeren and Todd Bak have shown the dedication and leadership necessary to achieve a state championship.

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

1. That the Legislature recognizes and congratulates the Leigh Lady Panthers Basketball team and coaches.
2. That a copy of this resolution be sent to Leigh High School.

Laid over.

UNANIMOUS CONSENT - Members Excused

Messrs. Warner, Bromm, Robinson, Wesely, Abboud, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1189. Mr. Wehrbein asked unanimous consent to replace the Wehrbein et al. amendment, AM3734, found in the Journal on page 1192, to the Standing Committee amendment, with a substitute amendment.

Mr. Chambers objected.

Mr. Wehrbein moved to replace the Wehrbein et al. amendment, AM3734, found in the Journal on page 1192, to the Standing Committee amendment, with a substitute amendment.

Messrs. Kristensen, Schellpeper, and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 24 fourth grade students and teacher from Seward; Duane Stott from Gering; 45 fifth grade students and teachers from Clarmar Elementary, Fremont; and Terry Loschen from Grand Island.

RECESS

At 12:04 p.m., on a motion by Mr. Wehrbein, 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 Messrs. Chambers, Kristensen, Landis, Lindsay, Schellpeper, Schrock, Warner, Wehrbein, Wesely, Will, Mmes. Pirsch, and Robak who were excused until they arrive.

MRS. CROSBY PRESIDING

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 1189:
AM3769

(Amendments to AM3549)

1. On page 1, lines 6, 7, 13, and 15, strike "3,506,100" and insert "5,334,150"; and in lines 9 and 12 strike "two" and insert "three".

Mr. Lindsay filed the following amendment to LB 1189:
AM3772

(Amendments to Standing Committee amendments, AM3434)

1. On page 4, strike lines 11 through 20 and insert:
"The Department of Correctional Services shall include a detailed report regarding the increasing number of incarcerated adults with its 1997-1999 biennial budget request. This report shall include the results of previous studies and the department's determinations and recommendations regarding: (1) The specific reasons for the growth in the adult prison population, (2) policy, legal, and program alternatives to address this growth in the adult prison population, and (3) any capital construction projects necessary to meet the current and future projections for the adult prison population. The department's 1997-1999 biennial budget request shall include findings and projections necessary to determine the fiscal impact of operational and capital resources necessary for management of the adult prison system through the year 2003.".

Mr. Wehrbein filed the following amendment to LB 1189:
FA539

(Amendments to Standing Committee amendments, AM3434)

1. On page 4 after line 20 insert: The Department of Correctional Services is hereby authorized to construct a new medium-minimum security adult correctional facility. The facility shall be built on state-owned property. The total project cost shall not exceed $59,284,700. It is the intent of the Legislature that final design and site acquisition be completed in FY 1997-98 at an estimated cost of $1,579,400, with construction beginning in FY 1997-98 and completed in FY 1999-2000, and occupancy beginning in FY 1999-2000, with total annual operating costs estimated not to exceed $10,000,000

Mr. Wehrbein filed the following amendment to LB 1189:

FA540

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendment:

"31. On page 91, lines 4 and 6, strike '11,970,151' and insert '8,034,854'.".

2. On page 33, lines 17 and 18, strike "1,585,781" and insert "1,600,781".

3. On page 34, strike lines 1 and 2 and insert the following: "35. On page 105, strike the new matter in lines 23 and 24 and insert the following (b) From the General Fund (1000) to the Cash Reserve Fund (1100): 3,935,297 on June 17, 1996;

4. Renumber

Mr. Chambers filed the following amendment to LB 1189:
FA541

(Amend AM3549)
In lines 6 & 7 & 13 & 15:
Strike "3,506,000" and insert "2,506,000"

Mr. Chambers filed the following amendment to LB 1189:
FA542

Amend AM3549

1. In lines 6, 7, 13, 15, strike "$3,506,000" and insert "$1,753,000";

2. In line 9, strike "two" and insert "one", strike "units" and insert "unit";

3. In line 11, strike "Each" and insert "The";

4. In line 12, put period after "bids" and strike all language through "bids" on line 13.

Mr. Wesely filed the following amendment to LB 1368:
AM3732

1. Insert the following new sections:

"Section 1. Section 77-4108, Revised Statutes Supplement, 1994, is amended to read:

77-4108. (1) The incentives allowed under the Employment and Investment Growth Act shall not be transferable except in the following situations:

(a) Any credit allowable to a partnership, a limited liability company, a subchapter S corporation, or an estate or trust may be distributed to the partners, members, shareholders, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities, except that the credits distributed cannot be used to reduce the income tax liability of a partner, member, shareholder, or beneficiary with Nebraska adjusted gross income of at least two hundred thousand dollars to less than three percent of Nebraska adjusted gross income or to reduce the income tax liability of the spouse of the partner, member, shareholder, or beneficiary, and ~~such~~ the partners, members, shareholders, or beneficiaries shall be deemed to have made an

underpayment of their income taxes for any recapture required by section 77-4107; and

(b) The incentives previously allowed and the future allowance of incentives may be transferred when a project covered by an agreement is transferred in its entirety by sale or lease to another taxpayer or in an acquisition of assets qualifying under section 381 of the Internal Revenue Code of 1986.

(2) The acquiring taxpayer, as of the date of notification of the Tax Commissioner of the completed transfer, shall be entitled to any unused credits and to any future incentives allowable under the act.

(3) The acquiring taxpayer shall be liable for any recapture that becomes due after the date of the transfer for the repayment of any benefits received either before or after the transfer.

(4) If a taxpayer operating a project and allowed a credit under the act dies and there is a credit remaining after the filing of the final return for the taxpayer, the personal representative shall determine the distribution of the credit or any remaining carryover with the initial fiduciary return filed for the estate. The determination of the distribution of the credit may be changed only after obtaining the permission of the Tax Commissioner.

Sec. 8. Original section 77-4108, Revised Statutes Supplement, 1994, is repealed.".

2. On page 2, lines 3 and 4, strike "3 and 4" and insert "4 and 5".

3. On page 4, line 20, strike "3" and insert "4"; in line 23 strike "effective" and insert "operative" and strike "act" and insert "section"; in line 24 strike "This act becomes" and insert "Sections 2 to 5 and 7 of this act become"; and in line 26 after the period insert "The other sections of this act become operative on their effective date.".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 108. Title read. Considered.

Standing Committee amendment, AM3613, printed separately and referred to on page 1177, was considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Klein renewed his pending amendment, AM3708, found in the Journal on page 1160, to the Standing Committee amendment.

Mr. Klein withdrew his amendment.

Mr. Brashear offered the following amendment to the Standing Committee amendment:
AM3780
(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new section:
"Sec. 73. The provisions of sections 11, 12, 34, 55 to 67, and 72 of this act and the changes made to sections 2-1586, 2-1588, 2-3211.01, 46-295, 46-296, 46-630, 46-656, 46-657, 46-659, 46-660, 46-661, 46-662, 46-663, 46-663.01, 46-663.02, 46-664, 46-666, 46-666.01, 46-668, 46-669, 46-670, 46-671, 46-672, 46-673, 46-673.01 to 46-673.07, 46-673.10, 46-673.11, 46-673.13, 46-673.14 to 46-673.16, 46-674, 46-674.02 to 46-674.14, 46-674.16 to 46-674.18, 46-674.20, 46-676, 46-689, 46-1207.01, 77-27,137.02, and 81-15,176 by this legislative bill shall terminate and shall be rendered void ab initio on the date of any filing of a lawsuit by the State of Kansas against the State of Nebraska on the grounds that the use of hydrologically connected ground water and surface water resources is contributing to noncompliance by the State of Nebraska with interstate compacts or decrees or federal law, and on such date the provisions of sections 46-665, 46-667, 46-673.08, 46-673.09, 46-673.12, 46-674.15, and 46-674.19 shall be revived as such sections existed on the effective date of this act.".
2. Renumber the remaining sections accordingly.

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

SPEAKER WITHEM PRESIDING

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

Mr. Brashear withdrew his amendment.

Mr. Dierks offered the following amendment to the Standing Committee amendment:
AM3771
(Amendments to Standing Committee amendments, AM3613)

1. On page 37, line 15, after "If" insert "upon a showing by a surface water appropriator or ground water user that ground water and surface water resources are hydrologically connected, that withdrawals by ground water users or surface water appropriators are unnaturally depleting surface water or ground water supplies, and that such depletion is causing or will imminently cause economic damage to such surface water appropriator or ground water user,"; and strike beginning with "on" in line 15 through line 17.
2. On page 38, strike beginning with "If" in line 1

through "agreements" in line 11 and insert "Following a request from a district"; strike beginning with "the" in line 13 through "difficulties" in line 14 and insert "whether use of hydrologically connected ground water and surface water resources is causing or will imminently cause economic damage to surface water appropriators or ground water users"; in line 16 strike "following such preliminary determination"; in line 17 strike "preliminary"; and strike beginning with the first "is" in line 25 through line 27 and insert "is causing or will imminently cause economic damage to surface water appropriators or ground water users and that such economic damage".

3. On page 39, strike beginning with "disputes" in line 1 through "agreements" in line 6.

4. On page 43, strike beginning with "to" in line 19 through "difficulties" in line 21.

5. On page 44, line 27, strike "which" through "reasonably" and insert and underscored period.

6. On page 45, strike lines 1 through 4.

7. On page 61, strike beginning with the comma in line 3 through "located" in line 13 and insert "the Director of Water Resources determines that natural resources districts"; in lines 14 and 15 strike "such disputes or difficulties" and insert "noncompliance with interstate compacts or decrees or other formal state contracts or agreements"; and in lines 17 and 18 strike "disputes or difficulties" and insert "noncompliance"; and in line 21 strike "preliminary".

8. On page 62, strike beginning with "or" in line 4 through "fulfilling" in line 6 and insert "noncompliance with interstate compacts or decrees or"; and strike beginning with "or" in line 20 through "difficulties" in line 21 and insert "noncompliance".

9. On page 64, strike line 14; in line 15 strike "fulfilling" and insert "the noncompliance with an interstate compact or decree"; and strike beginning with "disputes" in line 19 through "fulfilling" in line 20 and insert "noncompliance with the interstate compact or decree".

10. On page 66, strike beginning with "designed" in line 5 through "agreements" in line 7.

11. On page 69, line 9, after "area" insert an underscored period; strike lines 10 through 13 and 19 through 21; and in line 22 strike "formal" through "agreements".

12. On page 70, strike beginning with "or" in line 4 through "fulfilling" in line 6 and insert "noncompliance with interstate compacts or decrees or".

Mr. Brashear asked unanimous consent to be excused until he returns. 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.

The Dierks amendment lost with 6 ayes, 16 nays, 20 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE RESOLUTION 93CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 293CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 300CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 310CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 311CA. Indefinitely postponed.

LEGISLATIVE BILL 45. Indefinitely postponed.
LEGISLATIVE BILL 139. Indefinitely postponed.
LEGISLATIVE BILL 278. Indefinitely postponed.
LEGISLATIVE BILL 362. Indefinitely postponed.
LEGISLATIVE BILL 692. Indefinitely postponed.
LEGISLATIVE BILL 790. Indefinitely postponed.
LEGISLATIVE BILL 792. Indefinitely postponed.
LEGISLATIVE BILL 1058. Indefinitely postponed.
LEGISLATIVE BILL 1083. Indefinitely postponed.
LEGISLATIVE BILL 1087. Indefinitely postponed.
LEGISLATIVE BILL 1096. Indefinitely postponed.
LEGISLATIVE BILL 1098. Indefinitely postponed.
LEGISLATIVE BILL 1115. Indefinitely postponed.
LEGISLATIVE BILL 1124. Indefinitely postponed.
LEGISLATIVE BILL 1245. Indefinitely postponed.
LEGISLATIVE BILL 1325. Indefinitely postponed.
LEGISLATIVE BILL 1327. Indefinitely postponed.
LEGISLATIVE BILL 1328. Indefinitely postponed.
LEGISLATIVE BILL 1361. Indefinitely postponed.
LEGISLATIVE BILL 1364. Indefinitely postponed.
LEGISLATIVE BILL 1374. Indefinitely postponed.
LEGISLATIVE BILL 1390. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

MESSAGE FROM THE GOVERNOR

March 13, 1996

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 532, 689, 934, 966, 974, 984, and 1036 were received in my office on March 11, 1996.

These bills were signed by me on March 13, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolution 343 and a Governor appointment.

LR	Committee
343	Nebraska Retirement Systems

Vrbicky, Keith W., M.D. - Coordinating Comm. for Postsecondary Education -- Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 1190:
AM3773

(Amendments to Standing Committee amendments, AM3412)

1. Insert the following new section:

"Sec. 7. Until the century date change conversion of computer software, hardware, and data is satisfactorily completed, the department shall not expend the fund for other enterprise-wide information technology infrastructure goals, guidelines, and priorities.".

2. On page 1, line 3, strike "12" and insert "13".

3. On page 15, line 15, strike "13 and 16" and insert "14 and 17".

4. Renumber the remaining sections accordingly.

Mr. Warner filed the following amendment to LB 694:
AM3791

1. Strike original section 53 and all amendments thereto

and insert the following new section:

"Sec. 53. The Design Professions Regulation Act shall not deem a financial institution which is responsible for making disbursement of funds in connection with a construction project to be engaging in the practice of architecture, engineering, geology, or landscape architecture in making the disbursements.".

2. On page 4, line 5, after the period insert "In applying this definition to the construction site, the degree of supervision includes contact by telecommunication between the supervisor and employees or subordinates at the construction site. In an organization or political subdivision which employs a licensed professional who provides direct supervision in his or her design profession, that licensed professional shall be ultimately responsible for the work.".

3. On page 26, strike beginning with "who" in line 6 through line 7 and all amendments thereto and insert "with knowledge that such person is not licensed in accordance with the act and is not exempted by sections 55 to 73 of this act".

4. On page 33, line 13, after "feet" insert "adjusted gross area"; and in line 14 after "dwelling" insert ". Adjusted gross area includes all finished space and one-half of unfinished space".

5. On page 39, line 5, after "feet" insert "adjusted gross area"; and in line 6 after "dwelling" insert ". Adjusted gross area includes all finished space and one-half of unfinished space".

6. In the Standing Committee amendment, AM2746:

a. On page 4, line 18, strike ", including matters of compensation"; and

b. On page 6, line 9, strike "a" and insert "one of the licensed professionals designated as the"; and in line 15 after the underscored period insert "The act shall not be construed to require additional remuneration for the coordinating professional.".

Mr. Lynch filed the following amendment to LB 1053:
AM3800

1. Insert the following new sections:

"Sec. 10. Section 45-711, Revised Statutes Supplement, 1995, is amended to read:

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) Not later than January 1, 1996, establish and maintain a toll-free telephone number or accept collect telephone calls to respond to inquiries from borrowers, if the licensee services mortgage loans. If a licensee ceases to service mortgage loans, it shall continue to maintain a toll-free telephone number or accept collect telephone calls to respond to inquiries from borrowers for a period of twelve months after the date the licensee ceased to service mortgage loans. A telephonic messaging service which does not permit the borrower an option of personal contact with an employee, agent, or contractor of the licensee shall not satisfy the conditions of this section. Each day such licensee fails to comply with this subdivision shall constitute a separate violation of the Mortgage Bankers Registration and Licensing Act;

(6) 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

(7) Execute and deliver a release of mortgage pursuant to the provisions of section 76-252 or, in the case of a trust deed, execute and deliver a reconveyance pursuant to the provisions of section 76-1014.01.

Sec. 11. Section 45-713, Reissue Revised Statutes of Nebraska, is amended to read:

45-713. ~~Within ten business~~ Not less than fifteen days ~~after~~ prior to the effective date of the transfer of servicing rights involving any mortgage loan, the licensee transferring the servicing rights shall send a written notice of transfer to each borrower which shall include:

(1) The effective date of the transfer;

(2) The name, address, and telephone number of the transferee and the name of a referral person or department of the transferee;

(3) Instructions concerning payments made before the effective date of the transfer; and

(4) Instructions concerning payments made after the effective date of the transfer.

The provisions of this section shall not apply when the licensee transferring the servicing rights has provided the borrower with a written notice of transfer at the time of closing on the mortgage loan.

Sec. 12. Sections 10, 11, and 13 become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 13. Section 45-713, Reissue Revised Statutes of Nebraska, and section 45-711, Revised Statutes Supplement, 1995, are repealed.".

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 346. Introduced by Kristensen, 37.

WHEREAS, the University of Nebraska at Kearney women's basketball team qualified for the NCAA Division II South Central Regional National Tournament, its second appearance for the women's basketball program; and

WHEREAS, UNK Coach Amy Stephens is in her second year of leading the Lopers to this prestigious tournament; and

WHEREAS, the UNK Lady Lopers are the Rocky Mountain Athletic Conference regular season and tournament champions with an undefeated conference record; and

WHEREAS, The University of Nebraska at Kearney women's basketball team's 25 wins have set a school record for most wins in a

season and the team set an additional record by achieving 107 points in a game.

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

1. The Legislature congratulates the University of Nebraska at Kearney women's basketball team for its victorious season.

2. That a copy of this resolution be sent to the members of the University of Nebraska at Kearney women's basketball team and Coach Amy Stephens.

Laid over.

LEGISLATIVE RESOLUTION 347. Introduced by Kristensen, 37.

WHEREAS, the University of Nebraska at Kearney men's basketball team earned a berth in the 48-team field of the NCAA Division II National Basketball Championships; and

WHEREAS, the UNK Lopers were the fifth seed in the North Central Regional Tournament; and

WHEREAS, this was the second appearance for the UNK men's basketball program in the NCAA Division II National Tournament; and

WHEREAS, UNK Co-Head Coach Jerry Hueser won his 500th career game during this victorious season.

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

1. That the Legislature congratulates the University of Nebraska at Kearney men's basketball team for its successful season.

2. That a copy of this resolution be sent to the University of Nebraska at Kearney men's basketball team and its coaches.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 108. Mr. Dierks offered the following amendment to the Standing Committee amendment:

AM3745

(Amendments to Standing Committee amendments, AM3613)

1. On page 12, line 15, after the comma insert "ground water irrigators,".

2. On page 37, line 23, before "and" insert "ground water irrigators,".

3. On page 40, line 3; and page 69, line 7, after "sponsors" insert ", the affected ground water irrigators,".

4. On page 44, line 24, after the second comma insert "any ground water irrigator,".

5. On page 63, line 21, after the second comma insert ",

the affected ground water irrigators,".
6. On page 66, line 3, after the comma insert "the ground water irrigators,".

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

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

MR. BERNARD-STEVENS PRESIDING

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

Ms. Schimek moved the previous question. The question is, "Shall the debate now close?"

Ms. Schimek 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 Chair declared the call raised.

The Dierks amendment lost with 10 ayes, 19 nays, 13 present and not voting, and 7 excused and not voting.

Messrs. Wesely and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks offered the following amendment to the Standing Committee amendment:
AM3746
(Amendments to Standing Committee amendments, AM3613)
1. On page 61, line 3, after "If" insert "after review and concurrence of the Interrelated Water Review Committee of the Natural Resources Commission".

Mmes. Hudkins and Bohlke asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 8 nays, and 30 not voting.

Pending.

LEGISLATIVE BILL 1230. Title read. Considered.

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

Mr. Will renewed his pending amendment, AM3435, found in the Journal on page 1021.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad 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.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1362. Title read. Considered.

Standing Committee amendment, AM3108, found in the Journal on page 758, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad offered the following amendment:
FA543
Page 3 strike beginning with "Such" on line 11 through "district" on line 15.
Page 10 strike beginning with (b) on line 9 through district on line 10

The Maurstad amendment lost with 5 ayes, 20 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 1211. Title read. Considered.

Standing Committee amendment, AM3209, printed separately and referred to on page 847, was considered.

Mr. Lynch renewed his pending amendment, AM3643, found in the Journal on page 1158, to the Standing Committee amendment.

The Lynch amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, 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 1263. Title read. Considered.

Standing Committee amendment, AM3298, found in the Journal on page 970, was adopted with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Brashear renewed his pending amendment, AM3592, found in the Journal on page 1082.

The Brashear amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Bromm asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 43, 972, 1028, and 1121.

Enrollment and Review Change to LB 43

The following changes, required to be reported for publication in the Journal, have been made:
ER9132

1. Because of the passage of LB 966, original section 25 has been struck and the following new section inserted:

"Sec. 25. Section 81-829.45, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 966, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

81-829.45. The ~~state Civil Defense~~ Nebraska Emergency Management Agency shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster or emergency.".

2. In the E & R amendments, AM7186:

a. On page 10, line 6; and page 11, line 15, the first "and" has been struck;

b. On page 10, line 7; and page 11, line 16, ", and section 81-829.45, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 966, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995"; and

c. On page 10, the matter beginning with "include" in line 15 through "includes" in line 16 has been struck.

3. On page 1, line 4; and page 92, line 5, "81-829.45" has been struck and "81-829.46" inserted.

Enrollment and Review Change to LB 972

The following changes, required to be reported for publication in the Journal, have been made:
ER9133

1. On page 1, line 2, "to eliminate provisions on solicitation of funds; to eliminate a penalty; to outright repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1028

The following changes, required to be reported for publication in the Journal, have been made:
ER9135

1. On page 2, after line 22 "Letters of Credit. Section 5-116." has been inserted; and line 25 has been struck.

2. On page 35, line 17, "certificated securities or" has been inserted before "instruments".

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 253A:
AM3711

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. There is hereby appropriated (1) $8,150 from the Department of Motor Vehicles Cash Fund for FY1996-97 and (2) $3,150 from the Department of Motor Vehicles Cash Fund for FY1997-98 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 253,

Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Withem filed the following amendment to LB 604:
(Amendment, AM3797, 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 filed the following amendment to LB 604:
(Amendment, AM3713, 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 filed the following amendment to LB 604:
AM3715

(Amendments to AM3540)

1. Insert the following new section:

"Sec. 11. Should any legal action result from a challenge to the constitutionality of the changes made to sections 79-101.01, 79-438.12, 79-1303, and 79-3806 by this legislative bill and the repeal of section 79-438.13 by this legislative bill, the Nebraska Supreme Court is hereby directed to ignore any arguments raised based on the theory of commutation of taxes.".

2. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 604:
AM3716

(Amendments to AM3540)

1. Insert the following new section:

"Sec. 11. Should any legal action result from a challenge to the constitutionality of the changes made to sections 79-101.01, 79-438.12, 79-1303, and 79-3806 by this legislative bill and the repeal of section 79-438.13 by this legislative bill, the Nebraska Supreme Court is hereby directed to ignore any arguments raised based on the longstanding prohibition against special legislation.".

2. Renumber the remaining sections accordingly.

Mr. Dierks filed the following amendment to LB 108:
AM3743

(Amendments to Standing Committee amendments, AM3613)

1. Strike sections 55 to 67.

2. On page 12, line 4, after the semicolon insert "and"; and strike beginning with "The" in line 5 through "(6)" in line 14.

3. On page 14, line 14, strike the comma and insert "or"; and strike beginning with the comma in line 15 through "act" in line 16.

4. On page 24, line 18, strike "or 55".
5. On page 34, line 14, strike "or 57".
6. On page 72, line 12, strike "67" and insert "54".
7. Renumber the remaining sections and correct internal references accordingly.

Mr. Dierks filed the following amendment to LB 108:
AM3742
(Amendments to Standing Committee amendments, AM3613)

1. On page 33, line 12, after the underscored period insert "If users of water wells constructed prior to the designation of a management area for integrated management of ground water and surface water are regulated in the right to use ground water to the extent that such regulation could reasonably be expected to prevent economically viable use of such wells in the geographic area in which they are located, the users shall be entitled to just compensation from the State of Nebraska as required by Article I, section 21, of the Constitution of Nebraska. Economic viability shall be determined according to good husbandry, purpose of use, climatic conditions, and the dominant crop production in the management area.".

Ms. Schimek filed the following amendment to LB 1189:
AM3803
(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:
"Sec. 18. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION
Program No. 402 - Nebraska School for the Visually Handicapped

	FY1995-96	FY1996-97
GENERAL FUND	-0-	37,450
PROGRAM TOTAL	-0-	37,450

There is included in the appropriation to this program for FY1996-97 $23,350 General Funds to purchase a computer, braille printer, and braille translation program. There is also included in the appropriation to this program for FY1996-97 $14,100 General Funds for braille training preservice, and inservice programs for teachers.".
2. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 1189:
AM3804
(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendment:
"31. On page 91, lines 4 and 6, strike '11,970,151' and insert '8,034,854'.".
2. On page 33, lines 17 and 18, strike "1,585,781" and insert "1,600,781".

3. Strike amendment 35 and insert the following new amendment:

"36. On page 105, strike the new matter in lines 23 and 24 and insert 'From the General Fund (1000) to the Cash Reserve Fund (1100): $3,935,297 on June 17, 1996;'.".

4. Renumber the remaining amendments accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 964. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 fourth grade students and teachers from St. Stephen the Martyr, Omaha.

The Doctor of the Day was J. B. Ketner from Lincoln.

ADJOURNMENT

At 6:01 p.m., on a motion by Mr. Will, the Legislature adjourned until 8:30 a.m., Thursday, March 14, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-FOURTH DAY - MARCH 14, 1996

LEGISLATIVE JOURNAL

FORTY-FOURTH DAY - MARCH 14, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Wes Daughenbaugh, Living Faith Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Chambers, Dierks, Fisher, Hilgert, Janssen, Kristensen, Lindsay, Matzke, Robinson, Vrtiska, Warner, Wesely, Wickersham, Will, Mmes. Bohlke, Brown, Robak, Stuhr, and Witek 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 1218A. Placed on Select File as amended.
E & R amendment to LB 1218A:
AM7237
1 1. On page 9, line 11, after "Revolving" insert "Loan".

LEGISLATIVE BILL 1248A. Placed on Select File.
LEGISLATIVE BILL 645A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

REPORTS

The following reports were received by the Legislature:

Railway Council, Nebraska
Annual Report (Neb.Rev.Stat. §74-1415.01)

Revenue, Department of
Charitable Gaming Division 1995 Annual Report (Section 9-1,101,R.R.S. 1943)

SELECT FILE

LEGISLATIVE BILL 1053. E & R amendment, AM7221, found in the Journal on page 1105, was adopted.

Mr. Lynch withdrew his amendments, AM3626 and AM3625, found in the Journal on page 1158.

Mr. Lynch renewed his pending amendment, AM3800, found in the Journal on page 1235.

The Lynch amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 923. E & R amendment, AM7222, found in the Journal on page 1105, was adopted.

Mr. Schrock offered the following amendment:
AM3811
(Amendments to Standing Committee amendments, AM2886)

1. Insert the following new section:
"Sec. 2. (1) To promote an interest in hunting and to create an awareness of the number and diversity of the wildlife of Nebraska, particularly upland game birds and an awareness of Nebraska's wildlife management areas, fields, and open prairies, a day between September 1 and December 1, to be determined by the Game and Parks Commission, shall be recognized as free upland game bird hunting day. On this day, Nebraska residents and nonresidents may enjoy the privilege of hunting upland game birds without the purchase of a hunting permit or habitat stamp.
(2) Nothing in this section shall affect the applicability of statutes and regulations other than the permit and stamp requirements referred to in this section.
(3) The Game and Parks Commission may adopt and promulgate rules and regulations necessary to carry out this section.".
2. On page 1, line 24, strike "section 1" and insert

"sections 1 and 2".

3. Renumber the remaining sections accordingly.

Mr. Schrock withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 842. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1162. E & R amendment, AM7224, found in the Journal on page 1105, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1363. Mr. Maurstad renewed his pending amendment, AM3641, found in the Journal on page 1149.

Mr. Maurstad withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1184. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1252. E & R amendment, AM7226, found in the Journal on page 1142, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1275. E & R amendment, AM7227, found in the Journal on page 1142, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1138. E & R amendment, AM7230, found in the Journal on page 1224, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1138A. E & R amendment, AM7231, found in the Journal on page 1225, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922. E & R amendment, AM7229, found in the Journal on page 1225, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 922A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1336. E & R amendment, AM7235, found in the Journal on page 1225, was adopted.

Passed over.

LEGISLATIVE BILL 253. E & R amendment, AM7233, found in the Journal on page 1225, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 253A. E & R amendment, AM7234, found in the Journal on page 1225, was adopted.

Mr. Maurstad renewed his pending amendment, AM3711, found in the Journal on page 1242.

The Maurstad amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

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

GENERAL FILE

LEGISLATIVE BILL 1039A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1108A. 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 932. Title read. Considered.

Mr. Maurstad renewed his pending amendment, AM3017, found in the Journal on page 1184.

The Maurstad amendment was adopted with 29 ayes, 1 nay, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 1 nay, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1336. Mrs. McKenzie renewed her pending amendment, AM3399, found in the Journal on page 1173.

The McKenzie 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.

Mr. Pedersen 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 908.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-101, Reissue Revised Statutes of Nebraska; to prohibit knowing intrusion as provided; to provide penalties; 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	Hudkins	Maurstad	Schrock
Avery	Cudaback	Janssen	McKenzie	Stuhr
Bernard-Stevens	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Engel	Klein	Robak	Wesely
Brashear	Fisher	Kristensen	Robinson	Wickersham
Brown	Hartnett	Landis	Schellpeper	Will
Coordsen	Hilgert	Lynch	Schimek	Witek
	Hillman	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 4:

Bromm	Lindsay	Warner	Withem

Excused and not voting, 2:

Chambers	Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 909.

A BILL FOR AN ACT relating to estates; to amend section 30-24,125, Reissue Revised Statutes of Nebraska; to change provisions regarding collection of personal property by affidavit; 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	Cudaback	Janssen	McKenzie	Schrock
Avery	Dierks	Jensen	Pirsch	Vrtiska
Bernard-Stevens	Elmer	Jones	Preister	Wehrbein
	Engel	Klein	Robak	Wesely
Bohlke	Fisher	Kristensen	Robinson	Wickersham
Brashear	Hartnett	Landis	Schellpeper	Will
Brown	Hilgert	Lynch	Schimek	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem
Crosby	Hudkins	Maurstad		

Voting in the negative, 0.

Present and not voting, 5:

Beutler	Bromm	Lindsay	Stuhr	Warner

Excused and not voting, 2:

Chambers Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 921. With Emergency.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3509.01 and 77-3509.02, Reissue Revised Statutes of Nebraska, and section 77-3510, Revised Statutes Supplement, 1995; to change provisions relating to transfer of homestead exemptions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Cudaback	Janssen	Maurstad	Schrock
Avery	Dierks	Jensen	McKenzie	Stuhr
Bernard-Stevens	Elmer	Jones	Pirsch	Vrtiska
Beutler	Engel	Klein	Preister	Wehrbein
Bohlke	Fisher	Kristensen	Robak	Wesely
Brashear	Hartnett	Landis	Robinson	Wickersham
Brown	Hilgert	Lindsay	Schellpeper	Will
Coordsen	Hillman	Lynch	Schimek	Witek
Crosby	Hudkins	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Bromm Warner

Excused and not voting, 2:

Chambers Pedersen

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 933.

A BILL FOR AN ACT relating to the State Electrical Board; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to change a reference to the National Electrical Code; 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	Bohlke	Cudaback	Hartnett	Jensen
Avery	Brashear	Dierks	Hilgert	Jones
Bernard-Stevens	Brown	Elmer	Hillman	Klein
Beutler	Coordsen	Engel	Hudkins	Kristensen
	Crosby	Fisher	Janssen	Landis

Lindsay	Pirsch	Schellpeper	Stuhr	Will
Lynch	Preister	Schimek	Wehrbein	Witek
Matzke	Robak	Schmitt	Wesely	Withem
McKenzie	Robinson	Schrock	Wickersham	

Voting in the negative, 1:

Maurstad

Present and not voting, 3:

Bromm	Vrtiska	Warner

Excused and not voting, 2:

Chambers	Pedersen

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 schools; to amend section 79-426.19, Reissue Revised Statutes of Nebraska, sections 32-542 and 32-606, Revised Statutes Supplement, 1994, and section 155, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to certain school board elections; 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, 44:

Abboud	Crosby	Hudkins	Matzke	Schrock
Avery	Cudaback	Janssen	Maurstad	Stuhr
Bernard-Stevens	Dierks	Jensen	Pirsch	Vrtiska
	Elmer	Jones	Preister	Wehrbein
Beutler	Engel	Klein	Robak	Wesely
Bohlke	Fisher	Kristensen	Robinson	Wickersham
Brashear	Hartnett	Landis	Schellpeper	Will
Brown	Hilgert	Lindsay	Schimek	Witek
Coordsen	Hillman	Lynch	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 3:

Bromm McKenzie Warner

Excused and not voting, 2:

Chambers Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 973.

A BILL FOR AN ACT relating to institutional funds; to adopt the Uniform Management of Institutional Funds Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud	Cudaback	Janssen	Maurstad	Stuhr
Avery	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Engel	Klein	Robak	Wesely
Brashear	Fisher	Kristensen	Robinson	Wickersham
Bromm	Hartnett	Landis	Schellpeper	Will
Brown	Hilgert	Lindsay	Schimek	Witek
Coordsen	Hillman	Lynch	Schmitt	Withem
Crosby	Hudkins	Matzke	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Bernard-Stevens McKenzie Warner

Excused and not voting, 2:

Chambers Pedersen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 1001. With Emergency.

A BILL FOR AN ACT relating to children; to amend section 43-246, Reissue Revised Statutes of Nebraska, and sections 43-102 and 43-533, Revised Statutes Supplement, 1995; to change provisions relating to adoption filing requirements and out-of-home placement; to provide operatives 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	Lynch	Schmitt
Avery	Crosby	Hudkins	Matzke	Schrock
Bernard-Stevens	Cudaback	Janssen	Maurstad	Stuhr
	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Wesely
Bohlke	Engel	Klein	Robak	Wickersham
Brashear	Fisher	Kristensen	Robinson	Will
Bromm	Hartnett	Landis	Schellpeper	Witek
Brown	Hilgert	Lindsay	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

McKenzie Warner

Excused and not voting, 3:

Chambers Pedersen 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 1002.

A BILL FOR AN ACT relating to real property; to amend section 76-2005, Reissue Revised Statutes of Nebraska; to provide an exclusion from the statutory rule against perpetuities; 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	Matzke	Schrock
Avery	Crosby	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pirsch	Vrtiska
Beutler	Dierks	Jensen	Preister	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Brashear	Engel	Klein	Robinson	Will
Bromm	Fisher	Kristensen	Schellpeper	Witek
Brown	Hartnett	Landis	Schimek	Withem
	Hilgert	Lynch	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Lindsay	McKenzie	Warner

Excused and not voting, 3:

Chambers	Pedersen	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1007.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-317, Reissue Revised Statutes of Nebraska; to change provisions relating to city treasurers; 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	Matzke	Schrock
Avery	Crosby	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pedersen	Vrtiska
Beutler	Dierks	Jensen	Pirsch	Wesely
Bohlke	Elmer	Jones	Preister	Wickersham
Brashear	Engel	Klein	Robak	Will
Bromm	Fisher	Kristensen	Schellpeper	Witek
Brown	Hartnett	Landis	Schimek	Withem
	Hilgert	Lynch	Schmitt	

Voting in the negative, 0.

Present and not voting, 4:

Lindsay McKenzie Robinson Warner

Excused and not voting, 2:

Chambers Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1008.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6405 and 44-6408, Revised Statutes Supplement, 1994; to change provisions relating to uninsured and underinsured motor vehicle insurance coverages; 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	Coordsen	Hillman	Maurstad	Schrock
Avery	Crosby	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pirsch	Warner
	Dierks	Jones	Preister	Wesely
Beutler	Elmer	Klein	Robak	Wickersham
Bohlke	Engel	Kristensen	Robinson	Will
Brashear	Fisher	Landis	Schellpeper	Witek
Bromm	Hartnett	Lynch	Schimek	Withem
Brown	Hilgert	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 4:

Janssen Lindsay McKenzie Vrtiska

Excused and not voting, 2:

Chambers Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1035.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1401.02, Revised Statutes Supplement, 1995; 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, 45:

Abboud	Crosby	Hudkins	Maurstad	Schrock
Avery	Cudaback	Janssen	Pedersen	Stuhr
Bernard-Stevens	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Warner
Bohlke	Engel	Klein	Robak	Wesely
Brashear	Fisher	Kristensen	Robinson	Wickersham
Bromm	Hartnett	Landis	Schellpeper	Will
Brown	Hilgert	Lynch	Schimek	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Lindsay McKenzie

Excused and not voting, 2:

Chambers Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1038. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-326.01, Reissue Revised Statutes of Nebraska, and sections 77-5004 and 77-5007, Revised Statutes Supplement, 1995; to provide a time for payment of certain fees by county treasurers and provide for interest; to change appeals relating to the Tax Equalization and Review Commission; to grant employee status to commissioners as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	Maurstad	Stuhr
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Dierks	Jensen	Preister	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Brashear	Engel	Klein	Robinson	Will
Bromm	Fisher	Landis	Schellpeper	Witek
Brown	Hartnett	Lynch	Schmitt	Withem
	Hilgert	Matzke	Schrock	

Voting in the negative, 0.

Present and not voting, 4:

Kristensen	Lindsay	McKenzie	Schimek

Excused and not voting, 2:

Chambers	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 1040. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.07, 77-509, 77-1384, 77-1510, and 77-3523, Revised Statutes Supplement, 1995; to change provisions relating to appeals; to change homestead exemption calculations; 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	Bohlke	Crosby	Fisher	Janssen
Avery	Brashear	Cudaback	Hartnett	Jensen
Bernard-Stevens	Bromm	Dierks	Hilgert	Jones
Beutler	Brown	Elmer	Hillman	Klein
	Coordsen	Engel	Hudkins	Kristensen

Landis	Pirsch	Schellpeper	Stuhr	Wickersham
Lynch	Preister	Schimek	Vrtiska	Will
Matzke	Robak	Schmitt	Warner	Witek
Maurstad	Robinson	Schrock	Wesely	Withem
Pedersen				

Voting in the negative, 0.

Present and not voting, 2:

Lindsay McKenzie

Excused and not voting, 2:

Chambers 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.

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

MOTION - Return LB 962 to Select File

Mrs. Stuhr moved to return LB 962 to Select File for the following specific amendment:
AM3814

(Amendments to Final Reading copy)

1. On page 1, line 4, after the semicolon insert "to provide duties; to require notice;".

2. On page 3, line 19, before "Any" insert "(1)".

3. On page 4, after line 3 insert

"(2) A city of the second class or village collecting its own assessments under this section shall: (a) File notice of the assessments and the amount of assessment being levied for each lot or tract of land to the county register of deeds of the county in which the municipality is located; and (b) file a release of assessment upon final payment of each assessment with the county register of deeds. Such county register of deeds shall index the assessment against the individual lots and tracts of land and have such information available to the public.".

The Stuhr motion to return prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 962. The Stuhr specific amendment, AM3814, found in this day's Journal, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 908, 909, 921, 933, 967, 973, 1001, 1002, 1007, 1008, 1035, 1038, and 1040.

GENERAL FILE

LEGISLATIVE BILL 1189. Ms. Schimek renewed her pending amendment, AM3803, found in the Journal on page 1244, to the pending Standing Committee amendment.

Messrs. Jones, Dierks, Lynch, Abboud, Mmes. Hudkins, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Janssen 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?"

Ms. Schimek 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 26 ayes, 1 nay, and 22 not voting.

The Chair declared the call raised.

PRESIDENT ROBAK PRESIDING

Ms. Schimek moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Ms. Schimek requested a roll call vote on her amendment.

Voting in the affirmative, 29:

Avery	Bernard-Stevens	Beutler	Chambers	Cudaback
		Bohlke	Crosby	Hartnett

Hilgert	Lindsay	Pedersen	Schmitt	Wesely
Janssen	Lynch	Preister	Stuhr	Wickersham
Klein	Matzke	Robinson	Vrtiska	Will
Kristensen	McKenzie	Schimek	Warner	Withem
Landis				

Voting in the negative, 13:

Brashear	Coordsen	Jensen	Pirsch	Wehrbein
Bromm	Engel	Jones	Schrock	Witek
Brown	Hillman	Maurstad		

Present and not voting, 3:

Elmer	Fisher	Schellpeper

Excused and not voting, 4:

Abboud	Dierks	Hudkins	Robak

The Schimek amendment was adopted with 29 ayes, 13 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Wehrbein renewed his pending amendment, AM3804, found in the Journal on page 1244, to the Standing Committee amendment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

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

Mr. Wehrbein withdrew the Wehrbein et al. amendment, AM3734, found in the Journal on page 1192.

Mr. Lindsay renewed his pending amendment, AM3769, found in the Journal on page 1228, to the Standing Committee amendment.

Mrs. Hillman and Mr. Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Klein, Jensen, Beutler, Avery, Schmitt, Janssen, and Robinson 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 15 ayes, 0 nays, and 34 not voting.

Mr. Lindsay requested a record vote on his amendment.

Voting in the affirmative, 17:

Bohlke	Klein	McKenzie	Robak	Wesely
Elmer	Landis	Pedersen	Vrtiska	Will
Hartnett	Lindsay	Pirsch	Warner	Witek
Hilgert	Matzke			

Voting in the negative, 22:

Bernard-Stevens	Chambers	Hillman	Maurstad	Stuhr
Brashear	Crosby	Hudkins	Preister	Wehrbein
Bromm	Cudaback	Jensen	Schimek	Wickersham
Brown	Engel	Jones	Schrock	Withem
	Fisher	Kristensen		

Excused and not voting, 10:

Abboud	Beutler	Dierks	Lynch	Schellpeper
Avery	Coordsen	Janssen	Robinson	Schmitt

The Lindsay amendment lost with 17 ayes, 22 nays, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 634. Placed on General File as amended.
Standing Committee amendment to LB 634:
AM3677

1. Strike original section 1 and insert the following new section:

"Section 1. Section 81-1505.04, Reissue Revised Statutes of Nebraska, is amended to read:

81-1505.04. (1) The department shall collect an annual

emission fee from major sources of air pollution. Each major source shall pay the emission fee for regulated pollutants in the amount of twenty-five dollars per ton per pollutant or as adjusted pursuant to this section. The fee shall be based upon the amount of emissions of each regulated pollutant as reported or estimated by the source in the previous calendar year, but fees shall not be paid on amounts in excess of four thousand tons per year for any regulated pollutant. In the case of an electric generation facility with a nameplate generating capacity of between seventy and one hundred fifteen megawatts which is not operating in a political subdivision which has been delegated the authority to enforce the air quality permit program within its jurisdiction, fees shall not be paid on amounts in excess of four hundred tons per year for any regulated pollutant through 1997. Any surplus emission fees remaining in the Department of Environmental Quality Cash Fund on June 30, 1996, and on June 30, 1997, shall be used first to offset any reduction in emission fee revenue resulting from lowering from four thousand tons per year to four hundred tons per year the maximum number of tons of emissions to be charged a fee for certain electric generation facilities as described in this subsection.

(2) It is the intent of the Legislature that, beginning in 1998, fees to be paid to the department by each major source shall be based upon both actual emissions pursuant to subsection (1) of this section and actual costs incurred by the department to administer the program for such source. Under such fee structure, the department shall estimate total annual air quality permit program costs and shall calculate the fee by deriving fifty percent of the total through an emission fee as described in this section. The remaining fifty percent of the costs shall be collected from each major source by proportionately allocating to each such source its percentage share for direct and indirect costs incurred by the department for permit review, issuance, monitoring, and administration of the federal Clean Air Act Title V program. If the Legislature does not enact such a fee structure prior to June 30, 1998, the department shall calculate the emission fee as set out in subsections (1) and (3) of this section. ~~For the initial annual emission fee, which shall be due no later than November 15, 1995, reported or estimated emission levels shall be based on emissions in calendar year 1994.~~

(3)(a) The emission fee ~~shall~~ may be increased or decreased annually by the department ~~in each year beginning after 1991~~ by the percentage difference between the Consumer Price Index for the most recent year ending before the beginning of such year and the Consumer Price Index for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit program. For purposes of this section, Consumer Price Index shall mean the change in the price of goods and services for all urban consumers published by the United

States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

(b) For purposes of this section, ~~and~~ reasonable direct and indirect costs of developing and administering the air quality permit program, as required under the federal Clean Air Act, as amended, 42 U.S.C. 7661a through f, shall include:

(i) ~~(1)~~ Consideration of any associated overhead charges for personnel, equipment, buildings, and vehicles;

(ii) ~~(2)~~ Reviewing and acting on any application for a permit or permit revision;

(iii) ~~(3)~~ Implementing and enforcing the terms of any permit, not including any court costs or other costs associated with any formal enforcement action;

(iv) ~~(4)~~ Emissions and ambient monitoring, including adequate resources to audit and inspect source-operated monitoring programs;

(v) ~~(5)~~ Preparing generally applicable regulations or guidance;

(vi) ~~(6)~~ Modeling, analyses, or demonstrations;

(vii) ~~(7)~~ Preparing inventories and tracking emissions; and

(viii) ~~(8)~~ Providing support to sources under the Small Business Compliance Advisory Panel.

(c) The council shall establish procedures for the method of calculation and payment of the emission fee in a manner consistent with this section and shall establish the definition of or a table listing the pollutants which are regulated pollutants and a definition of major source. Such definitions or listing shall comply with and not be more stringent than the requirements of the federal Clean Air Act, as amended, 42 U.S.C. 7401 et seq.

(4) On ~~The department shall, on~~ or before January 1 of each year, the department shall submit a report to the Legislature in sufficient detail to document ~~documenting~~ all direct and indirect program costs incurred in the previous fiscal year ~~and emission fees assessed~~ in carrying out the air quality permit program. The Appropriations Committee of the Legislature shall review such report in its analysis of executive programs in order to verify that revenue generated from emission fees was used solely to offset appropriate and reasonable costs associated with the air quality permit program. After January 1, 1997, the report shall identify costs incurred by the department to administer the permit program for each major source. In addition, the department shall identify costs incurred by primary activity not specific to a major source.

(5) The department shall, by December 1, 1996, propose options for determining the amount of the fees referred to in subsection (2) of this section to be contained in a report to the Natural Resources Committee of the Legislature. The report shall describe annual program costs for the previous fiscal year,

identify primary activities recommended to be included in a cost tracking system, estimate the cost of administering a cost tracking system capable of showing costs for each major source as well as primary activity which is not specific to a major source, and compare the various types of program funding options. The department shall notify all major sources and other interested parties of the development of the report to solicit input from such parties. Upon receipt of the report the Natural Resources Committee of the Legislature shall hold one or more public hearings concerning air quality permit program funding options.

(6) Beginning July 1, 1996, the department shall administer a cost tracking system which shall show costs for each major source and costs for each primary activity that is not specific to a major source. The department shall consult with interested parties regarding identification of primary activities to be tracked by the cost tracking system.".

LEGISLATIVE BILL 1226. Placed on General File as amended. (Standing Committee amendment, AM3516, 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

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 13, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Richards, Eric A. - Lincoln — The ARC of Nebraska, Inc.
(Withdrawn 03/07/96)

Thone, Charles/Erickson & Sederstrom, P.C.
Thone, Charles - Lincoln — West Telemarketing Corp.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 1996, at 11:00 a.m., were the following bills: 908, 909, 921, 933, 967, 973, 1001, 1002, 1007, 1008, 1035, 1038, and 1040.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS
Education

Governor Appointment Tuesday, April 2, 1996 1:15 p.m.
Coordinating Commission for Postsecondary Education
Dr. Keith W. Vrbicky

(Signed) Ardyce Bohlke, Chairperson

Nebraska Retirement Systems

LR 343 Thursday, March 21, 1996 12:00 p.m.

(Signed) Bob Wickersham, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 1053:
FA544

On page 11, line 1 after the word "section" add "or portions of the hearing"

Add at the end of Section 5 the following:

"The director shall close no more of the public hearing than is necessary to attain the objectives of this subsection and shall state in writing and record as a public record the specific reasons why in the opinion of the director it is in the public interest to close a hearing.

Mr. Warner filed the following amendment to LB 29:
AM3782

1. In the Warner amendment, AM2919:

a. On page 1, line 11, strike "fifty" and insert "two hundred";

b. On page 2, line 13, after "(3)" insert "Any institution licensed pursuant to the Private Postsecondary Career School Act which has a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended, has violated the Private Postsecondary Career School Act. A hearing to determine whether the institution should have its authorization to operate or its agent's permit revoked shall be held in accordance with section 85-1634.

(4)"; and in line 14 strike "(4)" and insert "(5)"; and

c. Underscore the amendment.

2. Insert the following new sections:

"Sec. 3. Section 85-1610, Revised Statutes Supplement, 1995, is amended to read:

85-1610. No entity of whatever kind, alone or in concert with others, shall:

(1) Operate in this state a private postsecondary career

school not exempted from the Private Postsecondary Career School Act unless the school has a currently valid authorization to operate issued pursuant to section 85-1612;

(2) Offer, as or through an agent, unless such agent is a natural person and has a currently valid agent's permit issued pursuant to section 85-1623, enrollment or instruction in or the granting of educational credentials from a private postsecondary career school not exempted from the act, whether such institution is within or outside this state, nor accept contracts or enrollment applications from any person who does not have a current agent's permit, but the board may adopt and promulgate rules and regulations to permit the rendering of legitimate public information services without such permit;

(3) Instruct or educate, offer to instruct or educate, including advertising or soliciting for such purpose, enroll or offer to enroll, or contract or offer to contract with any school or party to perform any such act in this state, whether such entity is located within or without this state, unless such entity observes and is in compliance with the minimum standards established pursuant to sections 85-1606 and 85-1608 and the rules and regulations adopted and promulgated by the department; ~~or~~

(4) Grant or offer to grant educational credentials without authorization to do so from the department; or

(5) Have a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended, under section 1 of this act.

Sec. 5. Original section 85-1610, Revised Statutes Supplement, 1995, is repealed.".

3. Underscore original sections 1 and 2 and renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1155:
(Amendment, AM3673, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Will filed the following amendment to LB 1076:
AM3750

(Amendments to E & R amendments, AM7232)

1. Insert the following new section:

"Sec. 42. For a firefighter or firefighter-paramedic who is a member of a paid fire department of a municipality or a rural or suburban fire protection district in this state, including a municipality having a home rule charter, and who suffers death or disability as a result of cancer, including, but not limited to, cancer affecting the skin or the central nervous, lymphatic digestive, hematological, urinary, skeletal, oral, or prostate systems, evidence which demonstrates that (1) such firefighter or firefighter-paramedic successfully passed a physical examination

upon entry into such service or subsequent to such entry, which examination failed to reveal any evidence of cancer, (2) such firefighter or firefighter-paramedic was exposed to a known carcinogen, as defined on the effective date of this act by the International Agency for Research on Cancer, while in the service of the fire department, and (3) such carcinogen is reported by the agency to be a suspected or known cause of the type of cancer the firefighter or firefighter-paramedic has, shall be prima facie evidence that such death or disability resulted from injuries, accident, or other cause while in the line of duty for the purposes of sections 16-1020 to 16-1042, a firefighter's pension plan established pursuant to a home rule charter, and a firefighter's pension or disability plan established by a rural or suburban fire protection district.".

2. On page 60, line 19, after the second period insert "The Revisor of Statutes shall assign section 1 of this act within sections 16-1020 to 16-1042.".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Wickersham, Wehrbein, Lynch, Mmes. Witek, Crosby, and Robak filed the following amendment to LB 1076:
AM3799

(Amendments to E & R amendments, AM7232)

1. Insert the following new sections:

"Sec. 24. (1) A member hired or rehired after the effective date of this act may purchase service credit for not to exceed ten years of creditable service rendered in public schools in another state or schools in this state covered by the school retirement system established pursuant to section 614, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996. The election to purchase service credit shall be made within three years of employment or reemployment. The amount to be paid by the member for such service credit shall equal the actuarial cost to the School Retirement System of the State of Nebraska for allowing such additional service credit to the employee. Payment shall be completed within five years of employment or reemployment or prior to retirement, whichever occurs first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization.

(2) A member who retires as a school employee of this state shall not receive credit for time in service outside of this state or in a school in this state covered by the school retirement system established pursuant to section 614, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in excess of the time he or she has been in service as a school employee in this state. The board shall refund to the member the payments made pursuant to this section to the extent that the member does not receive credit for such service.

(3) Compensation for the period of service purchased shall not be included in determining the member's final average compensation.

Sec. 25. (1) Any member hired or rehired after the effective date of this act may purchase service credit for time he or she was on a leave of absence authorized by the school board or board of education of the school district by which he or she was employed at the time of such leave of absence or pursuant to any contractural agreement entered into by such school district. Such credit shall increase the benefits provided by the retirement system and shall be included in creditable service when determining eligibility for death, disability, termination, and retirement benefits. The election to purchase service credit shall be made within three years of employment or reemployment. The amount to be paid by the member for such service credit shall equal the actuarial cost to the School Retirement System of the State of Nebraska for allowing such additional service credit to the employee. Payment shall be completed within five years of employment or reemployment or prior to retirement, whichever occurs first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization.

(2) Leave of absence shall be construed to include, but not be limited to, sabbaticals, maternity leave, exchange teaching programs, full-time leave as an elected official of a professional association or collective-bargaining unit, or leave of absence to pursue further education or study. Such leave shall not exceed four years in length, and in order to receive credit for the leave of absence the member must return to employment with a school district, other than a Class V school district, in the state within one year after termination of the leave of absence.

(3) Compensation for the period of service purchased shall not be included in determining the member's final average compensation.

Sec. 26. The board shall adopt and promulgate rules and regulations for the purchase of service credit, which shall include, but not be limited to, the method for determining actuarial cost and interest requirements for payments other than one lump-sum payment.".

2. On page 19, line 5, strike "section 22 or 23" and insert "sections 22 to 25".

3. On page 25, lines 8 and 9, strike beginning with "22" through "28" and insert "22 to 26, 30, and 31".

4. On page 28, lines 22 and 23, strike "and 23" and insert "to 25".

5. On page 38, line 1, strike "may" and insert "shall" and strike beginning with "an" in line 1 through the comma in line 2 and insert "a member under contract or employed on the effective date of this act"; in line 24 strike "Under" and insert "For members under contract or employed on the effective date of this

act and under"; and in line 25 strike "may" and insert "shall".
6. On page 43, line 17, and page 44, line 13, strike "32 and 33" and insert "35 and 36".
7. On page 47, line 7, strike "32" and insert "35".
8. On page 56, lines 17 and 18, strike "38 and 39" and insert "41 and 42".
9. On page 60, line 21, strike "32 and 33" and insert "35 and 36".
10. Renumber the remaining sections accordingly.

Mr. Schellpeper filed the following amendment to LB 1255:
AM3805
(Amendments to Standing Committee amendments, AM3252)
1. Strike section 4.
2. On page 6, line 25, strike "sections 2-1207.01 and 2-1228" and insert "section 2-1207.01".
3. Renumber the remaining sections accordingly.

Messrs. Wesely and Withem filed the following amendment to LB 1044:
AM3810
(Amendments to Final Reading copy)
1. Insert the following new section:
"Sec. 36. Any member of the Legislature who does not vote to support this legislative bill shall have noted next to his or her name on any ballot upon which his or her name appears the following words: REFUSED TO SUPPORT GOVERNMENT EFFICIENCY.".
2. Renumber the remaining sections accordingly.

EXPLANATION OF VOTES

Had I been present, I would have voted "yes" on final passage of LBs 908, 909, 921e, 933, 967, 973, 1001e, and 1002.

(Signed) Dwite Pedersen

GENERAL FILE

LEGISLATIVE BILL 1189. Mr. Lindsay renewed his pending amendment, AM3772, found in the Journal on page 1228, to the Standing Committee amendment.

Messrs. Hilgert and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mmes. Hudkins and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein requested a division of the question on the Lindsay amendment to the Standing Committee amendment.

The Chair ruled the division of the question out of order.

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

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Maurstad requested a record vote on the Lindsay amendment.

Voting in the affirmative, 18:

Bernard-Stevens	Cudaback	Hillman	Lynch	Wesely
Bohlke	Engel	Janssen	Matzke	Will
Chambers	Hartnett	Klein	McKenzie	Withem
	Hilgert	Lindsay	Schimek	

Voting in the negative, 17:

Avery	Crosby	Maurstad	Robinson	Wehrbein
Brashear	Fisher	Pedersen	Schrock	Wickersham
Brown	Jensen	Pirsch	Stuhr	Witek
Coordsen	Landis			

Present and not voting, 7:

Elmer	Kristensen	Schmitt	Vrtiska	Warner
Hudkins	Preister			

Excused and not voting, 7:

Abboud	Bromm	Jones	Robak	Schellpeper
Beutler	Dierks			

The Lindsay amendment lost with 18 ayes, 17 nays, 7 present and not voting, and 7 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. Wehrbein renewed his pending amendment, FA539, found in the Journal on page 1228, to the Standing Committee amendment.

Mr. Wehrbein withdrew his amendment.

Mr. Wehrbein withdrew his amendment, FA540, found in the Journal on page 1228.

Mr. Chambers renewed his pending amendment, FA541, found in the Journal on page 1229, to the Standing Committee amendment.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Kristensen, Wehrbein, and Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 901. Placed on Select File as amended.
(E & R amendment, AM7238, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1263:
AM3816
1. Strike the Standing Committee amendment, AM3298

Mr. Maurstad filed the following amendment to LB 299:
AM3818
(Amendments to Standing Committee amendments, AM3654)
1. Strike original sections 1 to 4 and all amendments thereto and insert the following new sections:
"Section 1. For purposes of sections 1 to 5 of this act:
(1) Governing body has the same meaning as in section 13-503;
(2) Governmental unit means every political subdivision which has authority to levy a property tax except sanitary and improvement districts which have been in existence for five years or less;
(3) Population growth means (a) for governmental units

other than school districts and community colleges, the percentage increase or decrease in inhabitants in the governmental unit since the beginning of the prior fiscal year, (b) for school districts, the percentage increase or decrease in average daily membership in the school district since the beginning of the prior school year, and (c) for community colleges, the percentage increase or decrease in full-time equivalent students since the beginning of the prior fiscal year. A governmental unit may use federal census numbers from the most recent federal decennial census or the most recent federal census update or recount or numbers calculated using a method similar to the method described in sections 18-1753 and 18-1754 for determining population growth;

(4) Restricted funds means (a) property taxes, excluding any amounts required to pay interest and principal on bonded indebtedness and any amounts refunded to taxpayers, (b) payments in lieu of taxes, and (c) state aid; and

(5) State aid means:

(a) For municipalities, state aid to municipalities paid pursuant to section 77-27,136 and insurance premium tax paid to municipalities;

(b) For counties, state aid to counties paid pursuant to section 77-27,136 and insurance premium tax paid to counties;

(c) For school districts, and community colleges, state aid paid to schools and community colleges and insurance premium tax paid to schools; and

(d) For natural resources districts, state aid to natural resources districts paid pursuant to section 77-27,136.

Sec. 2. For fiscal years beginning on or after July 1, 1996, and before July 1, 1997, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus three percent. For fiscal years beginning on or after July 1, 1997, and before July 1, 1998, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus one percent. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of restricted funds for the old provider and and the new provider may elect to add in whole or in part the same amount to the new provider's last prior year's total of restricted funds. For governmental units that have annexed property or have consolidated, the calculations made under this section for the annexing unit or consolidating units shall be made based on the combined total of restricted funds, population, average daily membership, or

full-time equivalent students of each governmental unit or a portion thereof.

Sec. 3. The limitation in section 2 of this act shall not apply to (1) the budget to support a service which becomes the subject of an interlocal cooperation agreement whether operated by one of the parties to the agreement or an independent joint entity for two fiscal years beginning with the first budget adopted after the agreement is signed or (2) amounts budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973.

Sec. 4. A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law.".

2. On page 4, lines 5 and 6, strike "budget" and insert "restricted funds".

Mr. Maurstad filed the following amendment to LB 1114:
AM3836

1. On page 1, strike lines 23 and 24.

2. On page 2, strike lines 1 to 4 and insert the following new subsection:

"(6) Incorporated cities of the metropolitan and primary class may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the first class may levy a maximum of sixty cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the second class and villages may levy a maximum of seventy-five cents per one hundred dollars of taxable valuation subject to the levy. All cities and villages may levy an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.".

Mr. Pedersen filed the following amendment to LB 1189:
FA545

on page 26 lines 16-21 strike the new language & reinsert the original language

on page 27 line 5 strike '10,768,954' and insert $10,138,484

on line 8 strike the new language

Mr. Bernard-Stevens filed the following amendment to LB 1189:

AM3777

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendments:

"22. On page 51, lines 18 and 28, strike '98,892,065' and insert '99,004,565'; and in line 22 strike '196,532,424' and insert '196,644,924'.

23. On page 53, line 14, strike '921,300', show as stricken, and insert '1,033,800'; and in line 16 strike '1,323,800', show as stricken, and insert '1,436,300'.".

2. Renumber the remaining amendments accordingly.

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM3776

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendments:

"22. On page 51, lines 18 and 28, strike '98,892,065' and insert '98,965,565'; and in line 22 strike '196,532,424' and insert '196,605,924'.

23. On page 53, line 14, strike '921,300', show as stricken, and insert '994,800'; and in line 16 strike '1,323,800', show as stricken, and insert '1,397,300'.".

2. Renumber the remaining amendments accordingly.

Messrs. Bernard-Stevens and Will filed the following amendment to LB 1189:
AM3822

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:

"Sec. 52. AGENCY NO. 83 -- AID TO COMMUNITY COLLEGES
Program No. 51 - Aid to Community Colleges

	FY1995-96	FY1996-97
GENERAL FUND	-0-	108,939
PROGRAM TOTAL	-0-	108,939

2. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 1189:
FA546

Amend AM3434
On page 1, strike lines 15-20.

Mr. Wehrbein filed the following amendment to LB 1189:
FA547

(Amendments to Standing Committee amendments, AM3434)
On page 4 after line 20 insert:

"The Department of Correctional Services shall include a detailed report regarding the increasing number of incarcerated adults with its 1997-1999 biennial budget request. This report shall include the results of previous studies and the department's determinations and recommendations regarding: (1) The specific reasons for the growth in

the adult prison population, (2) policy, legal, and program alternatives to address this growth in the adult prison population, and (3) any capital construction projects necessary to meet the current and future projections for the adult prison population. The department's 1997-1999 biennial budget request shall include findings and projections necessary to determine the fiscal impact of operational and capital resources necessary for management of the adult prison system through the year 2003.".

RESOLUTION

LEGISLATIVE RESOLUTION 348. Introduced by Crosby, 29.

WHEREAS, the Bryan Memorial Hospital transplant team celebrated the tenth anniversary of the first heart transplant performed at Bryan Memorial Hospital on March 3, 1996; and

WHEREAS, the tenth anniversary was celebrated with a reunion of patients, families, and transplant team members at Bryan Memorial Hospital on March 3, 1996; and

WHEREAS, eighty-one heart transplants and eleven lung transplants have been performed at Bryan Memorial Hospital by the transplant team; and

WHEREAS, the survival rates for patients having heart transplants at Bryan is higher than the national averages and patients at Bryan generally are hospitalized for shorter periods and have lower medical expenses than patients at most other transplant centers.

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

1. That the Legislature congratulates Bryan Memorial Hospital and the transplant team for their March 3 anniversary celebration.

2. That the Legislature commends and recognizes the fine work of the Bryan Memorial Hospital transplant team.

3. That a copy of this resolution be sent to the transplant team at Bryan Memorial Hospital.

Laid over.

ANNOUNCEMENT

Mr. Lynch has withdrawn LB 694 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 1189. The Chambers pending amendment, FA541, found in the Journal on page 1229 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Robinson and Mrs. Hillman asked unanimous consent to be excused. 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.

The Chambers amendment lost with 2 ayes, 24 nays, 11 present and not voting, and 12 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Mr. Withem filed the following amendment to LB 1263:
AM3813

1. Insert the following new section:

"Section 1. Section 49-1454, Reissue Revised Statutes of Nebraska, is amended to read:

49-1454. (1) Any committee which supports or opposes a candidate or the qualification, passage, or defeat of a ballot question shall file a legibly printed or typed campaign statement pursuant to sections 49-1459 and 49-1461. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement filed and ending with the closing date of the campaign statement due. If the committee filing the campaign statement has not previously filed a campaign statement, the period covered shall begin on the date the person or persons forming the committee raised, received, or spent any money.

(2) Any person who does not reside or is not located in Nebraska and who contributes ten thousand dollars or more to a ballot question committee in Nebraska shall be deemed to be doing business in this state. Such person shall file a legibly printed or typed campaign statement pursuant to sections 49-1459 and 49-1461. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement filed and ending with the closing date of the campaign statement due. If the person has not previously filed a campaign statement, the period covered shall begin on the date the person or persons contributed any money.".

2. On page 9, line 22, after "sections" insert "49-1454,".

3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were seven Girl Scouts and leaders from Troop 109, Sidney; Senator Lynch's son, Danny, Dan Gaspers, Mark Fitzpatrick, and Aaron Green; 35 seventh grade students and sponsors from Sandy Creek School, Fairfield; Mr. Ljupco Georgievski, Mr. Boris Trajkovski from Macedonia, and Mrs. Anita Arsovski-Heffernan from Baltimore, Maryland; Chelsey and Caitlin Urdahl from Loveland, Colorado; 40 students and teachers from Blackburn Senior High, Omaha; two students from Sandy Creek High School; 50 fourth grade students and sponsors from Pierce; Mr. Maher Mohamed Emam El-Hamzawv from Cairo, Egypt, Mr. Yousef Issa Faraj from Amman, Jordan, Mr. Mohammed Moniff Mohammed Al-Ajmi from Kuwait City, Kuwait, Mr. Marcel Ghanem and Ms. Rose Zamel from Beirut, Lebanon, Mr. Mohammed Zainal Moussa Zainal from Doha, Qatar, Mr. Ali Jassem Ahmed Jassem from Um Al-Quwain, United Arab Emirates, Mr. Galal El-Nahal, Mr. Toufic Maged, and Patrick O'Brien.

ADJOURNMENT

At 2:28 p.m., on a motion by Mr. Vrtiska, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-FOURTH LEGISLATURE
SECOND SESSION

1996

Convened January 3, 1996 Adjourned April 18, 1996

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

printed on recycled paper

FORTY-FIFTH DAY - MARCH 19, 1996

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 1996

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Paul Blanchard, Methodist Church, York, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Coordsen, Kristensen, Landis, Lindsay, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 633. Placed on Select File as amended.
E & R amendment to LB 633:
AM7239

1. Because of the passage of Laws 1995, LB 1, LB 77, LB 291, and LB 759, strike original section 1 and insert the following new section:

"Section 1. Section 48-628, Revised Statutes Supplement, 1995, is amended to read:

48-628. An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has left work voluntarily without good cause, if so found by the commissioner, and for not less than seven weeks nor more than ten weeks which

immediately follow such week, as determined by the commissioner according to the circumstances in each case. A temporary employee of a temporary help firm has left work voluntarily without good cause if the temporary employee does not contact the temporary help firm for reassignment upon completion of an assignment and the temporary employee has been advised by the temporary help firm of his or her obligation to contact the temporary help firm upon completion of assignments and has been advised by the temporary help firm that the temporary employee may be denied benefits for failure to do so, or (b) for the week in which he or she has left work voluntarily for the sole purpose of accepting previously secured, permanent, full-time, insured work, which he or she does accept, which offers a reasonable expectation of betterment of wages or working conditions, or both, and for which he or she earns wages payable to him or her, if so found by the commissioner, and for not more than one week which immediately follows such week;

(2) For the week in which he or she has been discharged for misconduct connected with his or her work, if so found by the commissioner, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner in each case according to the seriousness of the misconduct. If the commissioner finds that such individual's misconduct was gross, flagrant, and willful, or was unlawful, the commissioner shall totally disqualify such individual from receiving benefits with respect to wage credits earned prior to discharge for such misconduct. In addition to the seven-week to ten-week benefit disqualification assessed under this subdivision, the commissioner shall cancel all wage credits earned as a result of employment with the discharging employer if the commissioner finds that the individual was discharged for misconduct in connection with the work which was not gross, flagrant, and willful or unlawful but which included being under the influence of any intoxicating beverage or being under the influence of any controlled substance listed in section 28-405 not prescribed by a physician licensed to practice medicine or surgery when the individual is so under the influence on the worksite or while engaged in work for the employer;

(3)(a) For any week of unemployment in which he or she has failed, without good cause, to apply for available, suitable work when so directed by the employment office or the commissioner, to accept suitable work offered him or her, or to return to his or her customary self-employment, if any, and the commissioner so finds, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner, and his or her total benefit amount to which he or she is then entitled shall be reduced by an amount equal to the number of weeks for which he or she has been disqualified by the commissioner.

(b) In determining whether or not any work is suitable

for an individual, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, his or her physical fitness and prior training, his or her experience and prior earnings, his or her length of unemployment and prospects for securing local work in his or her customary occupation, and the distance of the available work from his or her residence.

(c) Notwithstanding any other provisions of the Employment Security Law, no work shall be deemed suitable and benefits shall not be denied under such law to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (i) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or (iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) Notwithstanding any other provisions in subdivision (3) of this section, no otherwise eligible individual shall be denied benefits with respect to any week in which he or she is in training with the approval of the commissioner, by reason of the application of the provisions in subdivision (3) of this section relating to failure to apply for or a refusal to accept suitable work;

(4) For any week with respect to which the commissioner finds that his or her total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he or she is or was last employed, except that this subdivision shall not apply if it is shown to the satisfaction of the commissioner that (a) the individual is not participating in, financing, or directly interested in the labor dispute which caused the stoppage of work and (b) he or she does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating, financing, or directly interested in the dispute. If in any case, separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subdivision, be deemed to be a separate factory, establishment, or other premises;

(5) For any week with respect to which he or she is receiving or has received remuneration in the form of (a) wages in lieu of notice, or a dismissal or separation allowance, (b) compensation for temporary partial disability under the workers' compensation law of any state or under a similar law of the United States, (c) primary insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any act of

Congress, (d) retirement or retired pay, pension, annuity, or other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer, or (e) a gratuity or bonus from an employer, paid after termination of employment, on account of prior length of service, or disability not compensated under the workers' compensation law. Such payments made in lump sums shall be prorated in an amount which is reasonably attributable to such week. If the prorated remuneration is less than the benefits which would otherwise be due, he or she shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. The prorated remuneration shall be considered wages for the quarter to which it is attributable. Military service-connected disability compensation payable under 38 U.S.C. chapter 11 shall not be deemed to be disqualifying or deductible from the benefit amount. No deduction shall be made for the part of any retirement pension which represents return of payments made by the individual. In the case of a transfer by an individual or his or her employer of an amount from one retirement plan to a second qualified retirement plan under the Internal Revenue Code, the amount transferred shall not be deemed to be received by the claimant until actually paid from the second retirement plan to the claimant;

(6) For any week with respect to which or a part of which he or she has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or of the United States finally determines that he or she is not entitled to such unemployment benefits, this disqualification shall not apply;

(7) For any week of unemployment if such individual is a student. For the purpose of this subdivision, student shall mean an individual registered for full attendance at and regularly attending an established school, college, or university, unless the major portion of his or her wages for insured work during his or her base period was for services performed while attending school, except that attendance for training purposes under a plan approved by the commissioner for such individual ~~before attendance~~ shall not be disqualifying;

(8) For any week of unemployment if benefits claimed are based on services performed:

(a) In an instructional, research, or principal administrative capacity for an educational institution, if such week commences during the period between two successive academic years or terms, or when an agreement provides instead for a similar period between two regular, but not successive, terms during such period, if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of

such academic years or terms;

(b) In any other capacity for an educational institution, if such week commences during a period between two successive academic years or terms, if such individual performs such services in the first of such academic years or terms, and if there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual for any week under subdivision (8)(b) of this section and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of subdivision (8)(b) of this section;

(c) In any capacity described in subdivision (8)(a) or (b) of this section if such week commences during an established and customary vacation period or holiday recess if such individual performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess;

(d) In any capacity described in subdivision (8)(a) or (b) of this section in an educational institution while in the employ of an educational service agency, and such individual shall be disqualified as specified in subdivisions (8)(a), (b), and (c) of this section. As used in this subdivision, educational service agency shall mean a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions; and

(e) In any capacity described in subdivision (8)(a) or (b) of this section in an educational institution if such services are provided to or on behalf of the educational institution while in the employ of an organization or entity described in section 3306(c)(7) or 3306(c)(8) of the Federal Unemployment Tax Act, and such individual shall be disqualified as specified in subdivisions (8)(a), (b), and (c) of this section;

(9) For any week of unemployment benefits if substantially all the services upon which such benefits are based consist of participating in sports or athletic events or training or preparing to so participate, if such week of unemployment begins during the period between two successive sport seasons or similar periods, if such individual performed such services in the first of such seasons or similar periods, and if there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods;

(10) For any week of unemployment benefits if the services upon which such benefits are based are performed by an

alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of section 212(d)(5) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence;

(11) Notwithstanding any other provisions of the Employment Security Law, no otherwise eligible individual shall be denied benefits for any week because he or she is in training approved under section 236(a)(1) of the federal Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, if the work left is not suitable employment, or because of the application to any such week in training of provisions of the Employment Security Law, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, suitable employment shall mean, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal Trade Act of 1974, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for purposes of the federal Trade Act of 1974; and

(12) For any week during which the individual is on a leave of absence.".

2. On page 1, line 2; and page 10, line 6, strike "1994" and insert "1995".

LEGISLATIVE BILL 383. Placed on Select File.
LEGISLATIVE BILL 965. Placed on Select File.
LEGISLATIVE BILL 1082. Placed on Select File.

LEGISLATIVE BILL 442. Placed on Select File as amended.
E & R amendment to LB 442:
AM7240

1. In the Standing Committee amendments, AM2812, on page 1, line 7, after "or" insert "a"; and in line 13 after "record" insert a comma.

2. On page 1, line 3, after "prescribed" insert "; and to provide a duty for the Department of Health".

LEGISLATIVE BILL 1139. Placed on Select File.
LEGISLATIVE BILL 1230. Placed on Select File.

LEGISLATIVE BILL 1362. Placed on Select File as amended.
E & R amendment to LB 1362:
AM7241

1. On page 4, lines 4 and 5, strike "sanitary and improvement".

LEGISLATIVE BILL 1211. Placed on Select File as amended.
E & R amendment to LB 1211:
AM7243

1. On page 1, strike beginning with "18-1738" in line 2 through the semicolon in line 3 and insert "18-1738.02, 18-1741.03, and 18-1741.04, Revised Statutes Supplement, 1994, and sections 18-1736 to 18-1738.01, 18-1739 to 18-1741.01, and 33-139.01, Revised Statutes Supplement, 1995;".

LEGISLATIVE BILL 1263. Placed on Select File as amended.
E & R amendment to LB 1263:
AM7242

1. On page 8, line 20, before "earmarked" insert "the".

(Signed) David I. Maurstad, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 233A. 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 233, Ninety-fourth Legislature, Second Session, 1996.

1995 INTERIM REPORT ON THE DISPOSITION OF INTERIM STUDY RESOLUTIONS

Agriculture

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
108	Brand Law	X		
115	Rural Zoning and Land Use Regulation	X		
120	Tractor Testing			X
122	Grain Dealers Act	X		
141	Right to Farm Act	X		

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
157*	Enable the Appropriations Committee and Legislature to consider programs of an agency and their relationship to the budget process			
151*	Role of temporary employees, SOS, and other contractual service employees in state agencies			
155*	Computer needs of and information technology upgrades within state agencies			
152	Agriculture Development Program (Budget Program No. 564) relating to use of federal funds		X	
154	Study the number of revolving funds within state agencies	X		
217*	Study scope of contracting by state agencies			
156	Study the creation of the Capital Construction Fund			X
153	Study the number of out-of-state students attending University of Nebraska or Nebraska state college		X	
235	Possibility of creating the Affordable Housing Trust Fund		X	

*On-going study

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
216	Uninsured Children			X
128	Interstate Branching		X	
118	Auto Insurance Territories		X	
132	Credit Unions		X	
177	Nonprofit Corporation		X	
178	Insurance Adjusters			X
176	Public Funds		X	
182	Infertility			X
175	Custodial Trusts		X	

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
111	Railroad Carriers		X	
112	LB 555		X	
113	Workers' Compensation		X	
114	LB 885		X	
256	Education and Economic Development		X	

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
116	Funding and governance of Nebraska community colleges		X	
121	Free transportation			X
129	Use of income as a factor in determining local effort rate		X	
160	How elementary and secondary education should be financed		X	
207	Issues relating to property tax relief and state aid to schools		X	
229	Teacher education proficiency in technological advances			X
253	Tax impact of continued ownership of school lands by the State			X

Executive Board

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
242	Standing Committee system			X
239	Expanding the jurisdiction of the Agriculture Committee			X
215	Limit first session to budget issues		X	

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
192	Impact of gaming in bordering states on Nebraska	X		
195	Economic benefits of live horseracing	X		
194	Gaming Commissions	X		
198	Effects of differences in prize payout on gaming activity	X		

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
137	Property Tax		X	
135	Legal notice publication		X	
134	Collaboration of services		X	
174	Class 7 counties			X
138	Law enforcement training			X
231	Centralization of government			X
130	Official's bond requirements		X	
136	Election costs			X
233	State Government Effectiveness Act			X
254	Cemeteries		X	
255	Emergency planning		X	

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
179	Lincoln Regional Center	X		
189	Family Policy		X	
197	Alternative Medical Treatments	X		
208	Health and Human Services funded by property taxes	X		

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
69	Uniform Common Interest Ownership Act		X	
106	Paying for persons mentally incompetent to stand trial		X	
117	Protection from Domestic Abuse Act	X		
124	Provisions of Adverse Possession	X		
127	Concealed-carry legislation	X		
139	Registration of Sports Agents		X	
142	Landlords and Tenants	X		
143	Administration of Criminal Justice System		X	
144	Vehicular pursuits by law enforcement	X		
145	Monopolies and unlawful combinations	X		
146	Allocation of judicial resources			X
147	Liability of parents for criminal acts of juveniles	X		
148	Merger of probation and parole		X	
161	Deaths of regional center patients			X
162	Inmates health and medical care			X
163	Deaths of inmates in custody of DCS			X
172	Election of judges	X		
173	Classification of criminal offenses and penalties		X	
187	Placing legal counsel under the Attorney General		X	
199	Bail statutes and practice		X	
209	Property tax relief	X		
225	Jury trials under state law and city ordinance		X	
226	Impact of no-fault divorce		X	
228	Funding legal service providers	X		
236	Protect public from firearm crimes	X		
237	Incarceration of violent criminals		X	

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
131	High-level nuclear waste transportation liability		X	
149	Risk-based corrective action/ Leaking Underground Storage Tanks		X	
150	Beverage container deposit system			X
210	Property tax relief and natural			

	resources related taxing entities		X	
227	Nebraska Litter Reduction Recycling Act			X
243	Low-level radioactive waste liability		X	
245	Electric utility industry in Nebraska		X	
246	Integrated management of ground water and surface water in Nebraska		X	
247	Water contamination in Nebraska		X	
248	Operating structure and legal authority of the NE Game and Parks Commission			X
249	Nebraska governmental entities overseeing natural resources			X
250	Low-level radioactive waste		X	
251	Issues related to environmental risk, regulation, enforcement, and compliance		X	
252	Nebraska Litter Reduction and Recycling Act			X

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
164	General Principles			X
165	Buy Back	X		
166	Forfeiture	X		
167	Reemployed Employees	X		
168	Rollovers	X		
169	QDRO's	X		
170	Retirement Benefits to Elected Officials		X	
171	Voluntary Contributions by Police Officers	X		

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
211	Property Tax Relief	X		
181	TERC		X	
238	Economic Development Incentives			X
109	Homestead		X	
240	Homestead		X	
159	Sales Tax exemptions for charities			X

Rules

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
180	Legislative Resolutions			X

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
223	Regulation by the state of telecommunications companies, railroad industry, and motor carriers			X
212	Issues relating to property tax relief and ability of cities and counties to finance transportation-related functions	X		
224	Administrative license revocation process	X		
107	Special use permit process including operation of overwidth and overlength vehicles		X	
123	Operating structure and legal authority of diversion programs for traffic offenses			X
232	Feasibility of establishing a noncommercial truck and trailer license classification			X
188*	Feasibility of a system of state-issued drivers' licenses			
234	Formulas or procedures utilized by the Department of Roads for allocating funds and prioritizing projects under the Highway Allocation Fund			X

*See LR 212 Report

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
200	Statutes governing municipal purchasing and bidding functions		X	
201	Proposed changes for the Local Option Municipal Economic Development Act		X	
202	Statutes governing the creation and operation of sanitary and improvement districts		X	
203	Regulatory process under the provisions of the Municipal Natural Gas Regulation Act			X
204	Powers, duties, and authority of municipal boards of adjustment or boards of appeals			X
205	General issues within the jurisdiction of the Urban Affairs Committee as develop during the interim		X	
213	Issues relating to property tax relief and the ability of cities, villages, and sanitary and improvement districts to provide public services		X	

Select Committee on LR 133

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
133	Entries on Central Register in Department of Social Services		X	

Select Committee on LR 190

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
190	High ability learner		X	

Select Committee on LR 206

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
206	Property Tax Relief	X		

Select Committee on LR 230

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
230	Special education	X		

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

GENERAL FILE

LEGISLATIVE BILL 1085. Title read. Considered.

Standing Committee amendment, AM3649, printed separately and referred to on page 1161, was considered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM3868

(Amendments to Standing Committee amendments, AM3649)

1. Insert the following new section:

"Sec. 9. (1) Each county board shall thoroughly examine, and thereafter hold a public meeting, on the question of whether property taxes might be reduced through consolidation with an adjoining county. The examination shall include a fiscal analysis of property tax savings, if any, anticipated by a consolidation with each adjoining county.

(2) If county consolidation is not feasible or is otherwise undesirable, the county board shall, after communication with each adjoining county, identify by resolution six proposals for the consolidation of one or more county or township offices or the joint performance of any common function or service which

represent the most feasible opportunities for property tax reduction. The resolution shall include the financial figures showing what savings, if any, could be effectuated by each of the six proposals.

(3) If substantial savings are possible, the county board shall negotiate in good faith with the relevant adjoining county board for a consolidation agreement to effectuate the consolidation of the identified county or township office or the joint performance of the identified common function or service.

(4) Each county shall send to the Clerk of the Legislature by July 1, 1997:

(a) The fiscal analysis required by subsection (1) of this section;

(b) The resolution required by subsection (2) of this section;

(c) A detailed description of any good faith negotiations attempted under subsection (3) of this section; and

(d) Any consolidation agreement or other agreement entered into by the county and an adjoining county.".

2. Renumber the remaining sections and correct all internal references accordingly.

MR. WILL PRESIDING

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

Mr. Beutler asked unanimous consent to replace his pending amendment, AM3868, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM3868, found in this day's Journal.

Mr. Beutler offered the following substitute amendment to the Standing Committee amendment:

FA560

Amend AM3649

Insert the following new Section:

Sec. 9 Each County board shall, by Jan. 1, 1998 examine the question of whether property taxes might be reduced through consolidation of counties, offices, or services with another county. The examination shall include a public hearing and a fiscal estimate of property tax savings, if any anticipated by a consolidation."

The Beutler amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. Hudkins filed the following amendments to LB 108:

(1)

FA548
Amend AM3613
Page 58 Line 14 strike "10" insert "7"
Page 27 Line 23 strike "10" insert "7"
Page 69 Line 2 strike "10" insert "7"

(2)

FA549
Amend AM3613
Page 52 Line 23 strike "shall" and insert the word "may".

(3)

FA550
Amend AM3613
Page 49 Lines 19 & 20 strike "two & three-tenths" and reinstate "one and eight-tenths".

(4)

FA551
Amend AM3613
On page 72 lines 16 strike beginning with the word "or" through the word "misdemeanor" on line 17.

Mrs. Hudkins filed the following amendment to LB 256:
AM3857

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 29-1823, Reissue Revised Statutes of Nebraska, is amended to read:

29-1823. If at any time prior to trial it appears that the accused has become mentally incompetent to stand trial, such disability may be called to the attention of the ~~district~~ court by the county attorney, by the accused, or by any person for the accused. The judge of the ~~district~~ court of the county ~~wherein~~ where the accused is to be tried shall have the authority to determine whether or not the accused is competent to stand trial. The ~~district~~ judge may also cause such medical, psychiatric, or psychological examination of the accused to be made as he or she deems warranted and hold such hearing as he or she deems necessary. The cost of the examination, when ordered by the court, shall be the expense of the county in which the accused is charged. The judge may allow any physician, psychiatrist, or psychologist a reasonable fee for his or her services, which amount, when

determined by the judge, shall be certified to the county board which shall cause payment to be made. Any examination conducted pursuant to this section shall be completed within three months after the date of the order requiring the examination. Should ~~he~~ the judge determine after a hearing that the accused is mentally incompetent to stand trial, he or she shall order the accused to be committed to a state hospital for the mentally ill ~~until such time as the disability may be removed~~ or other appropriate facility or treatment program. The commitment may be either on an inpatient or outpatient basis, whichever the judge deems to be the least restrictive environment necessary to treat the accused to restore his or her competency and protect the safety of the public. The cost of maintenance and care of the accused shall be paid in the following manner: First, by the accused or his or her relatives; second, by the county in which the crime is charged, except such cost shall not exceed the cost as calculated in the daily jail reimbursement rate of the United States Marshals Service for a county which has such a contract rate, otherwise such cost shall not exceed the cost which would have been expended by the county had the accused been incarcerated in a jail; and third, by the state for any remaining costs. Within fourteen days after the filing of a report by a physician, psychiatrist, or psychologist attending the accused that the disability has been removed and the accused is competent to stand trial, the sheriff of the county where the accused is to be tried shall arrange for transportation and transport the accused to the appropriate correctional facility, jail, or penal complex. ~~The cost of such an examination, when ordered by the court, shall be the expense of the county wherein the crime is charged. The district judge may allow any physician, psychiatrist or psychologist a reasonable fee for his services which amount, when determined by the district judge, shall be certified to the county board who shall cause payment to be made.~~

Sec. 2. (1) Every six months after the hearing described in section 1 of this act, the judge of the court of the county where the accused is to be tried shall hold a review hearing on the status of the accused. The purpose of the review hearing shall be to ascertain whether or not the accused is competent to stand trial and the probability as to whether the disability can be removed in order for the accused to stand trial. If the judge determines by clear and convincing evidence that the accused is mentally incompetent to stand trial and that the disability of the accused cannot be removed within the foreseeable future, the judge may dismiss the criminal charges, with or without prejudice, and order the accused to be taken into custody for proceedings under the Nebraska Mental Health Commitment Act in the county in which the accused was charged.

(2) If the judge orders the criminal charges dismissed and orders the accused to be placed in the custody of the sheriff pursuant to this section, the county attorney of the county in

which the criminal charge was filed shall determine whether to proceed with a petition under the Nebraska Mental Health Commitment Act.

(3) If after a review pursuant to subsection (1) of this section the judge does not order the criminal charges dismissed, the judge shall order the accused to be recommitted for further treatment as provided in section 1 of this act for a period of up to six months. Within the period of time as the judge orders the accused to be recommitted, the judge shall hold another review hearing pursuant to subsection (1) of this section to ascertain whether or not the accused is competent to stand trial.

(4) If by the third six-month review of the accused the judge finds by clear and convincing evidence that the accused is still mentally incompetent to stand trial, the judge shall dismiss the criminal charges, either with or without prejudice, and order the accused to be taken into custody for proceedings under the Nebraska Mental Health Commitment Act in the county in which the accused is charged.

(5) In determining whether to dismiss the criminal charges, the judge shall consider the seriousness of the crime, the harm to the victim, the danger to society, and the length of time that the accused has already been confined in a correctional facility, state hospital, or other mental health facility while awaiting trial.

Sec. 3. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 4. Original section 29-1823, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 4, after the semicolon insert "to provide procedures for review hearings, recommitment, and alternative placement;".

Mr. Dierks filed the following amendments to LB 108:

(1)

FA552

Amend the Committee Amendments (AM3613) as follows:

On page 45, lines 18 through line 20, strike the new language & reinstate the stricken language.

(2)

FA553

Amend the Committee Amendments (AM3613) as follows:

On page 12, line 14, before "All", insert "It is the intent of the Legislature that in the event of shortages of water, or to resolve conflicts between ground water users and surface water users or disputes over interstate compacts or decrees and the provisions of other

formal state contracts or agreements, that ground water users and surface water users shall share equally in reducing water use"

On page 33, strike lines 6 through 12 and insert the following new language:

"(b) No water well constructed prior to the designation of a management area for integrated management shall be restricted in the historical use of water from the underlying aquifer without a corresponding reduction in the appropriation of surface water which is hydrologically connected with such aquifer."

(3)

FA554

Amend the Committee Amendments (AM3613) as follows:

On page 33, line 8, after "may", insert "(i)";

On line 12, strike the period and insert a semicolon, and insert "(ii) establish different provisions for water wells based on the remoteness in time withdrawals of underground water from such wells would impact hydrologically-connected groundwater."

(4)

FA555

Amend the Committee Amendments (AM3613) as follows:

On page 45, after the period in line 9, insert new subsection (15) to section 34:

"(15) Controls imposed pursuant to this section for integrated management of hydrologically-connected surface & groundwater may not result in increased baseflows above the amount otherwise available for appropriation on the date a management area is established."

And on page 68, line 5, strike "or" and insert an understricken comma; On line 6, strike the period and insert an understricken comma, and insert the following;

"and that implementation of controls imposed by the district's portion of the action plan will not result in increased baseflows above the amount otherwise available for appropriation on the date a management area is established."

(5)

FA556

Amend the Committee Amendments (AM3613) as follows:

On page 42, add the following new subsection (8) to section 34;

"(8) Neither well registration dates nor appropriation dates shall be a factor in determining whether a management area shall be designated or a joint action plan prepared"

& renumber remaining subsections

(6)

FA557

Amend the Committee Amendments (AM3613) as follows:

On page 42, line 14, insert new subsection (b)

"(b) the relative productivity & efficiency of the groundwater and surface water uses within the proposed management area"

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM3838

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:

"Sec. 52. AGENCY NO. 83 -- AID TO COMMUNITY COLLEGES
Program No. 51 - Aid to Community Colleges

	FY1995-96	FY1996-97
GENERAL FUND	-0-	108,939
PROGRAM TOTAL	-0-	108,939

2. On page 8, lines 4 and 5, strike "2,000,000" and insert "1,891,061".

3. Renumber the remaining sections accordingly.

Mr. Avery filed the following amendment to LB 1189:
AM3847

(Amendments to Standing Committee amendments, AM3434)

1. Strike the Schimek amendment, AM3803.

2. On page 30, line 20, after the underscored period insert:

"It is the intent of the Legislature that the State Department of Education shall use $23,350 of the General Fund appropriation to this program in FY1996-97 to purchase a computer, braille printer, and braille translation program. It is also the intent of the Legislature that $14,100 of the General Fund appropriation to this program in FY1996-97 shall be expended for braille training preservice and inservice programs for teachers. The general funds used to purchase the equipment and provide training services shall be from vacancy savings or a reallocation of resources by the department.".

GENERAL FILE

LEGISLATIVE BILL 1085. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM3873

(Amendments to Standing Committee amendments, AM3649)

1. Insert the following new section:

"Sec. 48. The Legislature directs the Nebraska Natural Resources Commission to undertake a study of the state's natural resources districts and to make two reports to the Legislature which include, if appropriate, specific legislative recommendations for changes. The commission shall make its first report to the Legislature by September 1, 1997, which shall include the commission's analysis of natural resources district revenue base, board of director size, boundary changes, and consolidation of districts. The commission shall make its second report to the

Legislature by September 1, 1998, which shall include its analysis of natural resources district cost effectiveness, program effectiveness, duplication of responsibilities and authorities, and other services or areas that could facilitate property tax relief. With respect to each report and regardless of whether the commission endorses the changes, the commission shall outline the five possible changes which, in its best judgment, represent the opportunities most likely to stabilize and enhance the natural resources district system through restructuring and cost efficiencies.".

2. Renumber the remaining sections accordingly.

SPEAKER WITHEM PRESIDING

Mrs. McKenzie and Mr. Avery asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Pending.

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

MOTION - Reconsider Action on LB 296

Mr. Beutler renewed his pending motion, found in the Journal on page 1221, to reconsider the passage of LB 296 on final reading with the emergency clause stricken.

The Beutler motion to reconsider 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 put upon final passage:

LEGISLATIVE BILL 296.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 29:

Abboud	Beutler	Brown	Elmer	Hilgert
Bernard-Stevens	Bohlke	Chambers	Fisher	Hillman
	Brashear	Crosby	Hartnett	Jensen

Klein	Lynch	McKenzie	Schimek	Wesely
Landis	Matzke	Pirsch	Warner	Will
Lindsay	Maurstad	Preister	Wehrbein	Withem

Voting in the negative, 15:

Bromm	Dierks	Janssen	Robinson	Schrock
Coordsen	Engel	Jones	Schellpeper	Vrtiska
Cudaback	Hudkins	Pedersen	Schmitt	Wickersham

Present and not voting, 3:

Robak	Stuhr	Witek

Excused and not voting, 2:

Avery	Kristensen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Place LB 1150 on General File

Mr. Preister renewed his pending motion, found in the Journal on page 1152, to place LB 1150 on General File pursuant to Rule 3, Section 19(b).

Messrs. Matzke and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

MR. LINDSAY PRESIDING

Messrs. Warner, Schmitt, Janssen, Klein, Dierks, Robinson, and Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Will requested a roll call vote on the Preister motion to place LB 1150 on General File.

Voting in the affirmative, 12:

Avery	Hartnett	Lynch	Schimek	Will
Beutler	Hilgert	Preister	Wesely	Withem
Chambers	Lindsay			

Voting in the negative, 26:

Abboud	Coordsen	Hudkins	Maurstad	Schrock
Bernard-Stevens	Crosby	Jensen	McKenzie	Stuhr
Bohlke	Elmer	Jones	Pedersen	Vrtiska
Bromm	Engel	Kristensen	Pirsch	Wickersham
Brown	Fisher	Landis	Robak	Witek
	Hillman			

Present and not voting, 3:

Brashear	Cudaback	Wehrbein

Excused and not voting, 8:

Dierks	Klein	Robinson	Schmitt	Warner
Janssen	Matzke	Schellpeper		

The Preister motion lost with 12 ayes, 26 nays, 3 present and not voting, and 8 excused and not voting.

LB 1150 stands indefinitely postponed.

NOTICE OF COMMITTEE HEARING
Appropriations

Monday, April 1, 1996 8:15 a.m.
UNL Parking Structure Project Revenue Bond Request

(Signed) Roger R. Wehrbein, Chairperson

MESSAGE FROM THE GOVERNOR

March 19, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 908, 909, 921, 933, 967, 973, 1001, 1002, 1007, 1008, 1035, 1038, and 1040 were received in my office on March 14, 1996.

These bills were signed by me on March 19, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1039A. Placed on Select File.

LEGISLATIVE BILL 1108A. Placed on Select File as amended.
E & R amendment to LB 1108A:
AM7245

1. On page 1, line 3, after "1996" insert "; and to provide for a transfer of funds".

LEGISLATIVE BILL 932. Placed on Select File as amended.
E & R amendment to LB 932:
AM7244

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 12-808, Reissue Revised Statutes of Nebraska, is amended to read:

12-808. For purposes of sections 12-807 to ~~12-811~~ 12-810 and section 2 of this act, an abandoned and neglected pioneer cemetery shall be defined according to the following criteria:

(1) Such cemetery was founded, or the land upon which such cemetery is situated was given, granted, donated, sold, or deeded to the founders of the cemetery prior to January 1, 1900;

(2) Such cemetery contains the grave or graves of a person or persons who were homesteaders, immigrants from a foreign nation, prairie farmers, pioneers, sodbusters, first generation Nebraskans, or Civil War veterans; and

(3) Such cemetery has been generally abandoned and neglected for a period of at least twenty years.

Sec. 2. An owner of property upon which is located a pioneer cemetery affected by sections 12-807 to 12-810 shall not deny pedestrian access to such cemetery as prescribed by this section. Pedestrian access to a pioneer cemetery affected by sections 12-807 to 12-810 shall be granted on Memorial Day and from November 1 through March 1. When possible, visitors to such a pioneer cemetery shall notify the property owner of their presence prior to accessing the cemetery. The property owner may specify a pathway to the cemetery if such pathway is reasonable in direction and accessibility.

Sec. 3. Section 12-809, Reissue Revised Statutes of Nebraska, is amended to read:

12-809. Care given to such cemetery by a county under sections 12-807 to ~~12-811~~ 12-810 may include the removal of shrubbery, trees, or brush, the erection of adequate fences, the planting of grass, flowers, trees, and shrubbery, repair and uprighting of tombstones and gravemarkers, and any other care normally accorded to cemeteries.

Sec. 4. Section 12-810, Reissue Revised Statutes of

Nebraska, is amended to read:

12-810. Any county affected by sections 12-807 to ~~12-811~~ 12-810 shall provide for one mowing annually of such cemetery within a period of two weeks prior to Memorial Day. Within five years after maintenance and preservation of such cemetery is commenced by such county, a historical marker giving the date of the establishment of the cemetery and a short history of the cemetery shall be placed at the site of such cemetery. One directional marker showing the way to such cemetery may be placed on the nearest state highway to such cemetery.

Sec. 5. Original sections 12-808 to 12-810, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 6. The following section is outright repealed: Section 12-811, Reissue Revised Statutes of Nebraska.".

2. On page 1, strike beginning with "section" in line 1 through "section" in line 4 and insert "sections 12-808 to 12-810, Reissue Revised Statutes of Nebraska; to provide pedestrian access to certain pioneer cemeteries; to eliminate a provision relating to county maintenance expenditures; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-811, Reissue Revised Statutes of Nebraska".

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 231:
AM3546

(Amendments to Standing Committee amendments, AM0434)

1. On page 1, line 13, after "valid" insert "liability"; in line 15 strike ". The insurance must " and insert "which shall"; and in line 19 after "property" insert "or when the lessee is a related entity or by reason of any workers' compensation law".

Mr. Warner filed the following amendment to LB 1039:
AM3885

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. Section 77-3512, Revised Statutes Supplement, 1995, is amended to read:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1 and on or before ~~April 30~~ May 31 in 1996 and April 30 in subsequent years. Failure to do so shall constitute a waiver of the exemption for that year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~May 20~~ June 20 in 1996 and May 20 in subsequent years.

An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 3. Section 77-3513, Revised Statutes Supplement, 1995, is amended to read:

77-3513. (1) For tax year 1995, all persons who apply for a homestead exemption provided in sections 77-3507 to 77-3509 shall file an application pursuant to section 77-3512. For tax year 1996 and subsequent tax years, except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 77-3507 or 77-3509 or subdivision (1)(b), (c), (d), or (e) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before ~~April 30 of each year~~ May 31 in 1996 and April 30 in subsequent years. Failure to do so shall constitute a waiver of the exemption for such year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~May 20~~ June 20 in 1996 and May 20 in subsequent years. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 4. Section 77-3514, Revised Statutes Supplement, 1995, is amended to read:

77-3514. In tax year 1996 and subsequent tax years, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, shall certify to the county assessor on or before ~~April 30 of each year~~ May 31 in 1996 and April 30 in subsequent years that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. The county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~May 20~~ June 20 in 1996 and May 20 in subsequent years. An extension shall not be granted to an applicant who received an extension in the immediately preceding year. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, or rating by the United States Department of Veterans Affairs or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. The certificate shall require the attachment of an income statement as prescribed by the Tax Commissioner fully accounting for all household income. The certification and the information contained

on any attachments to the certification shall be confidential and available to tax officials only. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 5. Section 77-3516, Revised Statutes Supplement, 1995, is amended to read:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to sections 77-3507 to 77-3509 and shall determine, except for the income requirements, whether or not such application should be approved or rejected. If the application is approved, the county assessor shall mark the same approved and sign the application. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection and sign the application. In any case when the county assessor rejects an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than ~~May 31~~ June 30 in 1996 and May 31 in subsequent years, except that in cases of a change in ownership or occupancy from January 1 through August 15 or a late application authorized by the county board, the notice shall be sent within a reasonable time. The notice shall be on forms prescribed by the Tax Commissioner.

Sec. 8. Section 77-3528, Revised Statutes Supplement, 1995, is amended to read:

77-3528. Any veteran claiming the exemption as provided by section 77-3527 shall make application to the county assessor

upon forms prescribed and furnished by the Tax Commissioner. Such application shall be made on or before ~~April 30 of each year~~ May 31 in 1996 and April 30 in subsequent years. Exemptions claimed before ~~April 30 of each year~~ May 31 in 1996 and April 30 in subsequent years shall apply for the year such exemption is claimed.".

2. On page 1, line 3, strike "and" and insert ", 77-3512, 77-3513, 77-3514, 77-3516," and after the first comma insert "and 77-3528,"; and in line 4 after the semicolon insert "to change filing dates;".

3. On page 2, line 16, after "actually" insert "incurred and"; in line 17 strike "a" through "homestead" and insert "any owner-occupant"; in line 22 after the second comma insert "or a facility licensed pursuant to Chapter 71, article 20,"; in line 24 strike "proprietary" and insert "nonprescription"; and in line 27 strike "June 1", show as stricken, and insert "July 1 in 1996 and June 1 in subsequent years".

4. On page 5, line 2, after the first comma insert "77-3512, 77-3513, 77-3514, 77-3516,"; in line 3 strike "and 77-3524" and insert "77-3524, and 77-3528"; and in line 6 strike "and" and insert "77-3512, 77-3513, 77-3514, 77-3516," and after the last comma insert "and 77-3528,".

5. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 1050:
AM3870

1. Insert the following new section:

"Sec. 35. The Legislature recognizes that the Tax Equity and Educational Opportunities Support Act does not currently recognize the unique costs associated with funding a quality education program for students living in the sparsely populated areas of the state. Therefor, the School Finance Review Committee is directed to (1) conduct a study of the unique costs associated with providing a quality education program for students living in sparsely populated areas in the state, (2) prepare a recommendation to the Legislature indicating whether the committee believes such a factor should be included in the school finance formula and, if so, how it should be structured, and (3) present its recommendation to the Education Committee of the Legislature by December 15, 1996.".

2. Amend the operative date and repealer sections so that section 35 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 349. Introduced by Dierks, 40.

PURPOSE: To study the Nebraska Apiary Act with respect to the issues addressed by LB 1208 introduced in the 1996 session of the Nebraska Legislature. The study shall examine conflicts among beekeepers, agricultural producers, and agricultural pesticide applicators and shall recommend any changes relating to registration, marking and location of bee colonies, and pesticide application rules needed to promote compatibility between beekeeping and other agricultural practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 350. Introduced by Dierks, 40.

PURPOSE: To examine and seek to determine the appropriate administrative structure for oversight and operation of the Nebraska veterans homes with respect to consolidation of health care agencies as proposed in the Nebraska Partnership Project and LB 1044 (1996), including whether administration of the homes should be transferred to the Department of Veterans' Affairs. The study shall examine issues regarding quality of care and accountability of the Nebraska veterans homes to veterans and their families and veterans organizations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 Health and Human Services Committee shall consult with the Veterans United Task Force, the Department of Veterans' Affairs, the Department of Public Institutions, and other appropriate state health and human services agencies on the issues that are the subject of this 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.

VISITORS

Visitors to the Chamber were 11 International students and leader; 40 fourth grade students and teachers from Westmont School, Omaha; 49 fifth grade students from Milliken Park School, Fremont; Vivian Hartwig and Susie Schrieber from Thurston County; 45 juniors, seniors, and teacher from Gibbon High School; Lloyd Ogilvie from Washington, D.C.; and students and teachers from Millard South High School.

RECESS

At 12:20 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., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Brashear, Bromm, Chambers, Coordsen, Dierks, Engel, Janssen, Landis, Lindsay, Matzke, Pedersen, Preister, Robinson, Wehrbein, Will, Mmes. Bohlke, Hillman, McKenzie, Robak, and Witek who were excused until they arrive.

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 465:
AM3798

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 60-311.11, Revised Statutes Supplement, 1995, is amended to read:

60-311.11. (1) Plates issued pursuant to sections 60-305.08 and 60-311.10 to 60-311.13 shall be the same size and of the same basic design as the regular number plates issued pursuant to section 60-311.

(2) The following conditions shall apply to all personalized message license plates:

(a) County prefixes shall not be used;

(b) The characters used shall consist only of letters and numerals of the same size and design and shall comply with the requirements of subdivision (1)(a) of section 60-311;

(c) A maximum of seven characters may be used, except that for motorcycles, a maximum of six characters may be used;

(d) The characters in the order used shall not conflict with or duplicate any license number used or to be used on the regular license plates or any license number or plate already approved pursuant to sections 60-305.08, 60-311, and 60-311.10 to

60-311.13;

(e) The characters in the order used shall not express, connote, or imply any obscene or objectionable words or abbreviations; and

(f) An applicant receiving a personalized message license plate for a farm truck or commercial truck shall affix the appropriate tonnage sticker to such plate.

(3) The Department of Motor Vehicles shall have sole authority to determine if the conditions prescribed in subsection (2) of this section have been met.

Sec. 2. Section 60-311.12, Revised Statutes Supplement, 1995, is amended to read:

60-311.12. (1) Application for personalized message license plates shall be made to the Department of Motor Vehicles. The department shall make available through each county treasurer or designated county official as provided in section 60-302 forms to be used for such applications.

(2) Each initial application shall be accompanied by a fee of thirty dollars. ~~for a full year or two dollars and fifty cents per month for the remainder of the vehicle registration period.~~ Each annual application for renewal of a license number previously approved and issued shall be accompanied by a fee of thirty dollars. The fees shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 3. Original sections 60-311.11 and 60-311.12, Revised Statutes Supplement, 1995, are repealed.".

GENERAL FILE

LEGISLATIVE BILL 1085. Mr. Schellpeper offered the following amendment to the pending Standing Committee amendment:
FA559

Amend the Committee Amendment 3649

on page 39 beginning on line 6 strike the words "the food, aid and expenses" and replace it with "aid, including food,"

on line 8, strike the word "including"

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 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

The Chair declared the call raised.

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

PRESIDENT ROBAK PRESIDING

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
FA558
Amend the Committee Amendment (AM3649)
on page 9 in line 11; Strike after the word "period." the rest of the line through line 17.

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

Mr. Cudaback asked unanimous consent to be excused. No objections. So ordered.

The Bernard-Stevens amendment lost with 7 ayes, 19 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

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

PROPOSED RULE CHANGES

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

Amend Rule 3, Sec. 19 (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. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to a vote on the motion by the Legislature, shall take precedence over such motion. 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.

Referred to the Reference Committee.

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

Amend Rule 3, Sec. 6(b):

A standing committee deciding not to hold meetings on the appointed day must ~~receive permission from the Reference Committee~~ report that decision to the Clerk of the Legislature.

Amend Rule 3, Sec. 9:
A quorum of committee members should be maintained throughout all committee hearings. The committee chairperson may waive this requirement at his or her discretion.

Referred to the Reference Committee.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1211A. 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 1211, Ninety-fourth Legislature, Second Session, 1996.

RESOLUTION

LEGISLATIVE RESOLUTION 351. Introduced by Landis, 46; Bromm, 23.

WHEREAS, Howard H. Hanson was born in Wahoo, Nebraska, on October 28, 1896; and

WHEREAS, Howard H. Hanson had a distinguished career as a composer of classical music, composing seven symphonies and hundreds of other orchestral works and winning a Pulitzer Prize in 1944 for his Symphony Number 4, "Requiem"; and

WHEREAS, Howard H. Hanson had a distinguished career as a music educator, serving as director of the Eastman School of Music at the University of Rochester from 1925 to 1964, bringing about several innovations to the field of music education; and

WHEREAS, Howard H. Hanson had a distinguished career as an orchestra conductor, bringing classical music into American homes in the early days of radio and phonograph records; and

WHEREAS, Howard H. Hanson maintained his ties to Nebraska throughout his life, including donating his family home to the Saunders County Historical Society in 1963 and composing the orchestral piece "Dies Natalis" for the Nebraska Statehood Centennial in 1967; and

WHEREAS, Howard H. Hanson attributed his musical imagery to his Nebraska upbringing, to quote Hanson, "My music springs from the soil of the American Midwest. It is music of the plains rather than of the city and reflects, I believe, something of the broad prairies of my native Nebraska."; and

WHEREAS, October 28, 1996, is the centennial of the birth of Howard H. Hanson.

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

1. That October 28, 1996, be declared Howard H. Hanson Day.

2. That all citizens be called upon to recognize the distinguished career of Howard H. Hanson and his contributions to music.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 296.

(Signed) David I. Maurstad, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 296.

AMENDMENTS - Print in Journal

Mmes. Pirsch, Witek, Messrs. Fisher, Wesely, Landis, Jensen, Hilgert, Lindsay, and Bromm filed the following amendment to LB 948:
(Amendment, AM3842, 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 filed the following amendment to LB 700:
AM3880

(Amendments to Final Reading copy)

1. On page 18, line 22; and page 19, line 2, strike "thirty-five" and insert "twenty-five".

Mr. Brashear filed the following amendment to LB 1368:
AM3904

(Amendments to AM3495)

1. Insert the following new section:

"Section 1. Section 48-1202, Reissue Revised Statutes of Nebraska, is amended to read:

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

(1) Employ shall include to permit to work;

(2) Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons

employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States; ~~, the state, or any political subdivision thereof;~~

(3) Employee shall include any individual employed by any employer but shall not include:

(a) ~~Any individual employed in agriculture;~~

~~(b)~~ Any individual employed as a baby-sitter in or about a private home;

~~(c)~~ (b) Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;

~~(d)~~ (c) Any individual employed by the United States; ~~or by the state or any political subdivision thereof;~~

~~(e)~~ (d) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;

~~(f)~~ (e) Apprentices and learners otherwise provided by law;

~~(g)~~ (f) Veterans in training under supervision of the United States Department of Veterans Affairs;

~~(h)~~ (g) A child in the employment of his or her parent or a parent in the employment of his or her child; or

~~(i)~~ (h) Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;

(4) Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and

(5) Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.".

2. On page 1, line 22, strike "section" and insert "sections 48-1202 and"; and in line 23 strike "is" and insert "are".

3. On page 2, line 1, strike "4 and 5" and insert "5 and 6"; in line 2 strike "4" and insert "5"; and in line 3 strike "2 to 5 and 7" and insert "3 to 6 and 9".

4. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 1368:
AM3903

(Amendments to AM3493)

1. Insert the following new section:

"Section 1. Section 48-1202, Reissue Revised Statutes of Nebraska, is amended to read:

48-1202. For purposes of the Wage and Hour Act, unless the context otherwise requires:

(1) Employ shall include to permit to work;

(2) Employer shall include any individual, partnership, limited liability company, association, corporation, business trust, legal representative, or organized group of persons employing four or more employees at any one time except for seasonal employment of not more than twenty weeks in any calendar year, acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include the United States; ~~, the state, or any political subdivision thereof;~~

(3) Employee shall include any individual employed by any employer but shall not include:

(a) ~~Any individual employed in agriculture;~~

~~(b)~~ Any individual employed as a baby-sitter in or about a private home;

~~(c)~~ (b) Any individual employed in a bona fide executive, administrative, or professional capacity or as a superintendent or supervisor;

~~(d)~~ (c) Any individual employed by the United States; ~~or by the state or any political subdivision thereof;~~

~~(e)~~ (d) Any individual engaged in the activities of an educational, charitable, religious, or nonprofit organization when the employer-employee relationship does not in fact exist or when the services rendered to such organization are on a voluntary basis;

~~(f)~~ (e) Apprentices and learners otherwise provided by law;

~~(g)~~ (f) Veterans in training under supervision of the United States Department of Veterans Affairs;

~~(h)~~ (g) A child in the employment of his or her parent or a parent in the employment of his or her child; or

~~(i)~~ (h) Any person who, directly or indirectly, is receiving any form of federal, state, county, or local aid or welfare and who is physically or mentally disabled and employed in a program of rehabilitation, who shall receive a wage at a level consistent with his or her health, efficiency, and general well-being;

(4) Occupational classification shall mean a classification established by the Dictionary of Occupational Titles prepared by the United States Department of Labor; and

(5) Wages shall mean all remuneration for personal services, including commissions and bonuses and the cash value of all remunerations in any medium other than cash.".

2. On page 2, line 2, strike "section" and insert

"sections 48-1202 and"; in line 3 strike "is" and insert "are"; in line 5 strike "4, 5, and 6" and insert "5, 6, and 7"; in line 6 strike "4" and insert "5"; and in line 7 strike "2 to 6 and 8" and insert "3 to 7 and 10".

3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 442:
AM3879

1. Strike the Standing Committee amendment, AM2812, and insert the following new section:

"Section 1. A patient or former patient may request, or may authorize his or her attorney or another representative to request, a copy of the patient's medical record. The request and the authorization, if any, shall be in writing. Upon receiving such written request, a health care provider shall furnish the person making the request a copy of the patient's medical record including, but not limited to, bills, X-rays, laboratory reports, prescriptions, and other technical information used in assessing the patient's health condition. No health care provider shall charge more than ten dollars for the first thirty pages and thirty-five cents for each additional page, which includes any research fees, handling fees, or related costs, plus the cost of first-class postage, if applicable, for furnishing a medical record pursuant to this section, except the health care provider may charge a patient the amount necessary to cover the cost of materials for furnishing a copy of an X-ray or similar special medical record. A health care provider shall furnish the medical record within thirty days after the written request is received. For purposes of this section, health care provider shall have the same meaning as in section 30-3402.".

GENERAL FILE

LEGISLATIVE BILL 1085. Mr. Beutler offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM3874.)

Mr. Beutler withdrew his amendment.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
FA561

Amend the Committee Am. (AM3649)
On page 10 line twelve...after the word "more," add "legal."

Mr. Bernard-Stevens withdrew his amendment.

Ms. Schimek and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WILL PRESIDING

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

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

Advanced to E & R for review with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 19, 1996, at 3:30 p.m., was the following bill: 296.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM3897

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new amendment:
"25. On page 73, line 2, after the second comma insert 'and on June 30, 1996,'.".
2. Renumber the remaining amendments accordingly.

Mr. Kristensen filed the following amendment to LB 901:
AM3910

(Amendments to E & R amendments, AM7238)

1. On page 7, line 13, after "where" insert "existing".

Mr. Chambers filed the following amendment to LB 1273:
FA562

Page 2, line 8, put a period after "member" and add "Spouse or former spouse may include a member of the same sex."

Mr. Wickersham filed the following amendment to LB 1296:
AM3817

1. Insert the following new section:
"Section 1. Section 24-312, Reissue Revised Statutes of Nebraska, is amended to read:
24-312. The district judges may interchange and hold each other's court. Whenever it shall appear by affidavit, to the satisfaction of any district judge in the state, that the judge of

any other district is unable to act, on account of sickness, interest, or absence from the district or from any other cause, the judge to whom application may be made shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter arising within the district where such vacancy or disability exists which the judge of such district court could make or do. The order or act shall have the same effect as if made or done by the judge of such district.

A district judge may appoint by order a consenting county judge residing in the district to act as a district judge in specific instances on any matter over which the district court has determined that it has jurisdiction over the parties and subject matter, except appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do. ~~if (1) all parties have consented to the appointment or (2) no party has objected to the appointment within ten days after service of the order of appointment upon him or her.~~ Any such order or act shall have the same effect as if made or done by the district judge of such district. A copy of the order of appointment shall be filed in each action in which a county judge acts as a district judge.".

2. On page 28, line 17, after "sections" insert "24-312,".

3. Renumber the remaining sections accordingly.

Mr. Coordsen filed the following amendment to LB 901:
AM3908

(Amendments to E & R amendments, AM7238)

1. Insert the following new sections:

"Section 1. Section 60-321, Revised Statutes Supplement, 1995, is amended to read:

60-321. (1) It shall be unlawful for any owner of a motor vehicle which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or which is required to be registered in this state and which is operated on a public highway of this state to allow the operation of the motor vehicle on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation of his or her motor vehicle on a public highway of this state in violation of this section when the motor vehicle is being operated by a person other than the owner. An owner of a motor vehicle who operates the motor vehicle or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the

Department of Motor Vehicles until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. ~~The penalty shall be mandatory and shall not be suspended by a court.~~ This subsection shall not apply to motor vehicles registered in another state.

(2) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate ~~law enforcement agency~~ prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

(3) The department shall, for any person convicted for a violation of this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time the citation was issued.

Sec. 13. Sections 1, 13, 14, and 16 of this act become operative on their effective date. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 14. Original section 60-321, Revised Statutes Supplement, 1995, is repealed.

Sec. 16. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 292CA. Read. Considered.

Standing Committee amendment, AM3650, found in the Journal on page 1161, was considered.

Messrs. Coordsen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown offered the following amendment to the Standing Committee amendment:
AM3876
(Amendments to Standing Committee Amendments, AM3650)

1. On page 4, lines 12 and 13, strike "and on different classes of property"; and in lines 13 and 14 strike "and classifications".

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

The Brown amendment lost with 2 ayes, 14 nays, 27 present and not voting, and 6 excused and not voting.

Mrs. Brown offered the following amendment to the Standing Committee amendment:
AM3894
(Amendments to Standing Committee amendments, AM3650)

1. Insert the following new section:

XI-6 "Any county may adopt a home rule charter by a majority vote of the qualified electors of the county voting upon the question, and when so adopted may thereafter be changed or amended as provided in section 4 of this article for city charters, subject to this Constitution and laws of the state.".

2. On page 1, line 9, after the last comma insert "add a new section 6 to Article XI,"; in line 16 strike "may" and insert "shall"; strike beginning with "No" in line 17 through the period in line 20; in line 21 after "governments" insert "(a)"; and in line 22 after "law" insert "and requiring approval of a majority of the people voting in each local government to be merged or consolidated or (b) may be directed by the Legislature".

3. On page 2, line 14, after "seats" insert "except as provided in Article XV, section 18, of this Constitution".

4. On page 10, line 14, strike "authorize" and insert "require"; and in line 23 after the comma insert "to authorize home rule charters for counties,".

Messrs. Beutler and Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Brown amendment lost with 4 ayes, 13 nays, 25 present and not voting, and 7 excused and not voting.

Mr. Klein asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
FA563
Page 5 of committee amendments (AM3650)
line 2-5 re-insert the stricken language.

Messrs. Chambers and Schrock asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 352. Introduced by Wesely, 26.

WHEREAS, the Lincoln Northeast High School boys' basketball team won the 1996 Class A Boys' State Championship, repeating their championship success of 1995; and

WHEREAS, the Lincoln Northeast Rockets boys' basketball team competed in the 1994 state championship game, the start of the greatest three-year cycle in Class A boys' basketball state championship history, matched only by the Lincoln Northeast teams of 1967-1969; and

WHEREAS, Lincoln Northeast High School has won ten state Class A basketball championships, the most by any high school in the State of Nebraska; and

WHEREAS, the Lincoln Northeast High School boys' basketball team has demonstrated tremendous talent, dedication, and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, Ben Haney, Josh Malousek, Alton Mason, Jeff Motz, B.J. Nannen, Darin Rihanek, and Ryan Shuman demonstrated outstanding senior leadership; and

WHEREAS, Mike Einspahr, Derek Engelbart, Joe Fagler, Mike Hahn, Amon Helmstadter, and David Mercer have displayed talent and maturity beyond their years; and

WHEREAS, the coaches, parents, and members of the Lincoln Northeast High School boys' basketball team are deserving of special recognition for their success and commitment to excellence.

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

1. That the Legislature congratulates and commends the Lincoln Northeast High School boys' basketball team and Coach Rick Collura and his staff for winning the 1996 Class A Championship.

2. That a copy of this resolution be sent to Lincoln Northeast High School.

Laid over.

LEGISLATIVE RESOLUTION 353. Introduced by Janssen, 15; Brown, 6; McKenzie, 34; Schimek, 27.

PURPOSE: The purpose of this resolution is to study the licensing and regulation of child care programs. LB 970 was introduced during the 1996 legislative session and addressed several issues. This bill would have increased the frequency with which child care programs would be inspected by the Department of Social Services, would have allowed the department to charge an inspection fee, and would have created a penalty for serious violations of rules and regulations. The public comment received on this bill demonstrated that there were several areas regarding the licensing of child care programs which needed to be examined. It was determined that further study of the issues would be helpful in drafting legislation which would ensure that the concerns of the community were being met.

The study shall include, but not be limited to, the following issues:

(1) The number and types of inspections performed on child care programs by state agencies for licensing and other purposes;

(2) The costs and funding of inspections of child care programs;

(3) The use of unannounced inspections of child care programs;

(4) Merging the types of inspections and making inspection procedures more uniform across the state;

(5) Ways to improve the uniform interpretation of the regulations by inspectors of child care programs;

(6) How other services, such as restaurants, which affect the public's health and safety are inspected and monitored;

(7) Unlicensed child care providers, including the enforcement of the current statutes;

(8) The options and methods which the child care licensing division of the Department of Social Services could use while handling serious violations of the regulations governing child care programs; and

(9) Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 496:
AM3852

(Amendments to Standing Committee amendments, AM2747)

1. Insert the following sections:

"Sec. 11. Nothing in the Parkinson's Disease Registry Act requires a physician or pharmacist to deny medical treatment or services to an individual who refuses to provide the information necessary to make the reports required under section 6 or 7 of this act.

Sec. 12. Any physician or pharmacist required to make reports under section 6 or 7 of this act is immune from liability, civil, criminal or otherwise, for filing an incomplete report as a result of the failure of an individual to provide the information necessary to make such report.

Sec. 13. The initial reports required under section 7 of this act shall be made within thirty days of January 1 of the year following issuance by the department of the list of drugs to be reported under section 7 of this act.".

2. On page 1, line 3, strike "13" and insert "16".

3. On page 4, strike beginning with "who" in line 22 through "drugs" in line 23 and insert "to whom the pharmacist has dispensed drugs on the list of drugs required to be reported under this section"; in line 26 after "drugs" insert "used for the treatment of Parkinson's disease"; and in line 27 strike the first "and" and insert an underscored comma.

4. On page 5, line 1, after "annually" insert ", and shall distribute the list to each pharmacy located within the state or doing business in the state"; strike beginning with "No" in line 9 through "act" in line 12 and insert "Any physician, pharmacist, or medical professional participating in good faith in the reporting of information required under the Parkinson's Disease Registry Act is immune from liability, civil, criminal, or otherwise, that might result from divulging such information"; and in line 17 after "Registry" insert "if done pursuant to sections 81-663 to 81-675".

5. On page 6, line 5, after "reports" insert "in good faith"; and in line 8 after the second comma insert "or if after January 1, 2002, no requests are received for two years from approved researchers to obtain access to data contained in the Parkinson's Disease Registry, the act terminates two years after the date of the last request, whichever occurs sooner,".

6. Renumber the remaining sections accordingly.

Mr. Kristensen filed the following amendment to LB 1218A:
AM3793

1. On page 2, after line 16 insert the following new paragraph:

"It is the intent of the Legislature that any motor transportation inspector employed by the Public Service Commission as of March 1, 1996, shall receive a preference in hiring by the carrier enforcement division of the Nebraska State Patrol as long

as the inspector meets all requirements established by the Nebraska State Patrol or the carrier enforcement division.".

Mr. Warner filed the following amendment to LB 1114:
AM3854

(Amendments to Standing Committee amendments, AM3657)

1. On page 1, strike beginning with "Beginning" in line 3 through "levies" in line 4 and insert "Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998,"; in lines 9 and 14 strike "January 1, 2002," and insert "fiscal year 2001-2002"; and in lines 10 and 11 and 15 and 16 strike "on and after January 1, 2002" and insert "for fiscal year 2001-2002 and all subsequent fiscal years".

2. On page 3, line 14, after the period insert "The levy allocated by the county may be exceeded as provided in section 3 of this act."; and in line 19 after the period insert "A vote to exceed the limits provided in section 1 of this act must be approved prior to September 30 of the fiscal year which is to be the first to exceed the limits.".

3. On page 4, line 19, after "act" insert "or the allocation provided by the county board in section 2 of this act".

4. On page 35, line 17, strike the new matter and reinstate the stricken matter.

Mr. Will filed the following amendment to LB 299:
AM3839

(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 6. It is the intent of the Legislature that reductions in school budgets made to meet budget limitations as a result of enactment of this legislative bill:

(1) Protect the instructional expenditures for children and their activities as much as possible;

(2) Avoid reductions in expenditures or positions in academic and student activities unless every reasonable reduction in administrative expenditures and positions has been made; and

(3) Be made as far from the classroom as possible and affect the classroom last.".

2. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 299:
AM3837

(Amendments to Standing Committee amendments, AM3654)

1. On page 2, line 20, strike "1997" and insert "1998"; and strike beginning with "For" in line 23 through the period in line 26.

Mr. Warner filed the following amendment to LB 299:
AM3863

(Amendments to Standing Committee amendments, AM3654)

1. On page 1, line 8, after "(2)" insert "Capital improvements means (a) acquisition of real property, (b) acquisition, construction, or extension of any improvements on real property, (c) furnishing or equipping of any improvement, except that routine maintenance and the acquisition of any equipment with a useful life of less than five years shall not be considered capital improvements, and (d) acquisition or replacement of other tangible personal property with a useful life of five years of more;

(3)"; in line 10 strike "(3)" and insert "(4)"; in line 14 strike "(4)" and insert "(5)"; in line 16 strike "or decrease" and insert "if any"; strike beginning with "since" in line 16 through "year" in line 22 and insert "between the two most recent consecutive years for which population estimates are available, (b) for school districts, the percentage increase, if any, in average daily membership in the school district from the second school year to the first school year preceding the year for which the budget is being determined, and (c) for community colleges, the percentage increase, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined"; and in line 23 after the first "the" insert "two".

2. On page 2, lines 1 and 2, strike "sections 18-1753 and 18-1754" and insert "section 77-3,119"; in line 3 strike "(5)" and insert "(6)"; and in line 18 after "sources" insert "; and

(7) State aid means all funds provided to political subdivisions under the Tax Equity and Educational Opportunities Support Act and sections 39-2501 to 39-2520, 77-913, 77-2602, 77-27,136 to 77-27,137.02, 77-3523, 85-1536, and 85-1537"; and in line 23 after the period insert "For cities of the first and second class and villages, the prior year's budgeted requirements shall be multiplied by .857 for purposes of calculating the limitation for fiscal year 1996-97.".

3. On page 3, lines 12 and 13, strike "bonded indebtedness" and insert "the proceeds from a bond issue"; in line 14 after "(2)" insert "revenue pledged to retire bonded indebtedness, (3)" and in line 18 strike "(3)" and insert "(4)".

Messrs. Hartnett and Maurstad filed the following amendment to LB 1362:

(Amendment, AM3915, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITOR

Visitor to the Chamber was Kevin Brostrom from Grand Island.

ADJOURNMENT

At 5:53 p.m., on a motion by Mr. Bernard-Stevens, the Legislature adjourned until 8:30 a.m., Wednesday, March 20, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SIXTH DAY - MARCH 20, 1996

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 20, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 20, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Father Damian Zuerlein, Our Lady of Guadalaupe, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Engel, Lindsay, Schrock, Warner, Wickersham, Will, Mmes. Bohlke, Brown, McKenzie, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

GENERAL FILE

LEGISLATIVE BILL 373. Title read. Considered.

Standing Committee amendment, AM0301, found in the Journal on page 729, First Session, 1995, was considered.

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

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 373A. Title read. Considered.

Mr. Dierks renewed his pending amendment, AM3762, found in the Journal on page 1208.

The Dierks 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 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Standing Committee amendment, AM0405, found in the Journal on page 803, First Session, 1995, 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, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 233. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 233A. 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 1011. Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1161. 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 1316. Title read. Considered.

Mr. Lindsay moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Landis requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Avery	Crosby	Hilgert	Lindsay	Schellpeper
Bernard-Stevens	Cudaback	Hudkins	Lynch	Schimek
Beutler	Dierks	Janssen	Maurstad	Schrock
Brashear	Engel	Jensen	Pedersen	Witek
Coordsen	Fisher	Jones	Pirsch	Withem
	Hartnett	Kristensen	Robak	

Voting in the negative, 10:

Bromm	Hillman	Matzke	Stuhr	Wesely
Chambers	Klein	Robinson	Wehrbein	Wickersham

Present and not voting, 7:

Bohlke	Elmer	Preister	Schmitt	Vrtiska
Brown	Landis			

Excused and not voting, 4:

Abboud	McKenzie	Warner	Will

Advanced to E & R for review with 28 ayes, 10 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 847A. Mr. Wickersham renewed his pending amendment, AM3684, found in the Journal on page 1193.

MRS. CROSBY PRESIDING

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.

LEGISLATIVE BILL 1218A. E & R amendment, AM7237, found in the Journal on page 1246, was adopted.

Mr. Kristensen renewed his pending amendment, AM3793, found in the Journal on page 1322.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1248A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 645A. Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1082: AM3923

1. Insert the following new section:

"Sec. 2. Section 71-1519, Reissue Revised Statutes of Nebraska, is amended to read:

71-1519. All cities, villages, and counties of this state are hereby granted power and authority to create housing authorities and joint housing authorities. ~~, except that cities of the metropolitan class shall not create or participate in joint housing authorities.~~".

2. On page 3, line 2, strike "section 71-1510" and insert "sections 71-1510 and 71-1519"; and in line 3 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1082: AM3925

1. Insert the following new section:

"Sec. 2. Section 71-1534, Reissue Revised Statutes of Nebraska, is amended to read:

71-1534. (1) All housing projects under an authority shall be subject to the planning, zoning, sanitary, and building laws, and other ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

(2) All housing projects under an authority created by a city of the metropolitan class shall be equally distributed across census tracts predominately zoned residential and shall be located entirely within the authority's area of operation.".

2. On page 3, line 2, strike "section 71-1510" and insert "sections 71-1510 and 71-5134"; and in line 3 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1082: AM3924

1. Insert the following new section:

"Sec. 2. Section 71-1522, Reissue Revised Statutes of Nebraska, is amended to read:

71-1522. For purposes of the Nebraska Housing

Authorities Law, unless the context otherwise requires:

(1) Authority or housing authority ~~shall mean~~ means any of the public corporations created pursuant to the law, and such terms ~~shall~~ also include a joint housing authority, unless the context ~~shall specify~~ specifies otherwise;

(2) City ~~shall mean~~ means any city incorporated under the laws of this state; county ~~shall mean~~ means any county in this state; village ~~shall mean~~ means any village incorporated under the laws of this state; a city ~~shall mean~~ means the particular city for which a particular housing authority is created; a county ~~shall mean~~ means the particular county for which a particular housing authority is created; and a village ~~shall mean~~ means the particular village for which a particular housing authority is created;

(3) Governing body ~~shall mean~~ means, in the case of the city, the council; in the case of a village, the board of trustees; and in the case of a county, the county board;

(4) Mayor ~~shall mean~~ means the mayor of the city or the officer charged with the duties customarily imposed upon a mayor or executive head of the city, and the chairperson of the board of trustees ~~shall mean~~ means the executive head of a village;

(5) Clerk ~~shall mean~~ means the clerk of the city, village, or county, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(6) Area of operation ~~shall mean~~ means: (a) In ~~the case of metropolitan cities, a city and the area within ten miles of the territorial boundaries thereof; (b) in~~ the case of a city ~~not of the metropolitan class~~ or a village, such city or village and the area within five miles of the territorial boundaries thereof, except that the area of operation of a housing authority of any city or village shall not include any area which lies within the territorial boundaries of any other city or village in which a housing authority has been created pursuant to the law; ~~(c)~~ (b) in the case of a county, all of the county except that portion which lies within the territorial boundaries of any city or village in which a housing authority has been created pursuant to the law; and ~~(d)~~ (c) in the case of a joint housing authority, an area equivalent to the total areas of operation which the housing authorities, if created separately by the cities, villages, or counties establishing the joint authority, would have. The creation of subsequent housing authorities shall not affect the area of operation or territorial jurisdiction of any existing housing authority, except that no existing housing authority shall thereafter establish any new project within the territorial boundaries of any city or village which subsequently established a housing authority for that city or village without the consent of such subsequent housing authority and approval of the governing body of such city or village. No joint housing authority shall establish any new project within the area of operation of any other housing authority without the consent of such other housing

authority. In the case of changes in the boundaries of political subdivisions which have established housing authorities or the establishment of subsequent housing authorities, territories may exist that are under the area of operation or concurrent jurisdiction of two or more housing authorities, except that no new housing project shall be constructed by any authority within such area of concurrent jurisdiction without sixty days' prior written notice to all other housing authorities existing within such area of concurrent jurisdiction. The notice shall specify the location and general nature of the proposed new project. Any housing project established by a housing authority pursuant to the law shall continue to be maintained and operated by the housing authority so establishing it except as provided in section 71-1550;

(7) Federal government ~~shall mean~~ means the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(8) Slum ~~shall mean~~ means an area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health, and morals;

(9) Housing project or projects ~~shall mean~~ means any work or undertaking on contiguous or noncontiguous sites, whether within a slum area or not, (a) to demolish, clear, or remove buildings, (b) to provide or assist in providing, by any suitable method, including, but not limited to, rental or sale to persons of low income, of individual units and single or multifamily structures which provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low income, elderly or handicapped persons of low income, or displaced persons, or (c) to accomplish a combination of the foregoing. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparations, and landscaping and facilities for administrative, community, health, recreational, welfare, or other purposes. The terms housing project or projects also may be applied to the planning of buildings and other improvements, the acquisition of property or any interest therein, and the demolition of existing structures, construction, reconstruction, rehabilitation, alteration, or repair of the improvements, and all other work in connection therewith. The terms ~~shall~~ include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project;

(10) Persons of low income ~~shall mean~~ means persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to

enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding;

(11) Bonds ~~shall mean~~ means any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to the law;

(12) Real property ~~shall mean~~ means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise, in the indebtedness secured by such liens;

(13) Obligee of the authority or obligee ~~shall mean~~ means any bondholder, the trustee or trustees for any bondholders, the holder of any note, mortgage, or other security authorized pursuant to the law, any lessor demising to the authority property used in connection with the housing project or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(14) Public body ~~shall mean~~ means the state and any city, county, or municipal corporation and any commission, district, authority, agency, subdivision, or other body of any of the foregoing;

(15) Elderly ~~shall mean~~ means any person sixty-two years of age or older on the date such person intends to occupy the premises or any family the head of which, or his or her spouse, is elderly as defined in this subdivision and who meets the income or other conditions established by the regulations of the authority;

(16) Handicapped ~~shall mean~~ means a person whose functioning is substantially impaired and who meets the disability, income, or other conditions as determined in accordance with the regulations established by the authority;

(17) Displaced ~~shall mean~~ means a person who is removed from his or her dwelling by the rehabilitation, clearance, or redevelopment of slums in blighted areas, condemnation, enforcement of minimum dwelling standard ordinances, or the exercise of the power of eminent domain as a result of governmental action and who meets the income and other conditions as determined in accordance with the regulations established by the authority;

(18) Community facilities ~~shall include~~ includes real and personal property and buildings and equipment for recreational, educational, health, or welfare purposes and necessary utilities when designed primarily for the benefit and use of the occupants of the dwelling accommodations, or for both;

(19) Joint housing authority ~~shall mean~~ means an authority created by two or more cities, villages, or counties, or any combination thereof; and

(20) Instrumentality ~~shall mean~~ means a nonprofit corporation created by a housing authority solely for the purpose of administering housing under section 8 of the United States

Housing Act of 1937, as amended.".

2. On page 3, line 2, strike "section 71-1510" and insert "sections 71-1510 and 71-1522"; and in line 3 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mrs. Witek filed the following amendment to LB 1273:
FA564

Amend FA562

Page 2, line 8, put a period after "member" and add "Spouse or former spouse may never include a member of the same sex"

Mr. Robinson filed the following amendment to LB 1304:
AM3906

1. Insert the following new sections:

"Sec. 3. Section 71-6403, Revised Statutes Supplement, 1994, is amended to read:

71-6403. (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The Uniform Building Code, 1991 edition, Chapters 1, 4 through 30, 32 through 56, and 60, and the Uniform Building Code Standards, 1991 edition, published by the International Conference of Building Officials; ~~and~~

(b) The CABO One and Two Family Dwelling Code, 1992 edition; and

(c) The Uniform Code for Building Conservation.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act.

(3) Whenever a new edition of ~~either of~~ the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrators International, Inc., if such code was adopted by the political subdivision prior to September 9, 1993.

Sec. 4. Section 71-6405, Revised Statutes Supplement, 1994, is amended to read:

71-6405. All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured

Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code, ~~or~~ the CABO One and Two Family Dwelling Code, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.".

2. On page 4, line 4, strike "section 23-172" and insert "sections 23-172, 71-6403, and 71-6405".

3. Renumber the remaining sections accordingly.

MESSAGE FROM THE GOVERNOR

March 20, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 296 was received in my office on March 19, 1996.

This bill was signed by me on March 20, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 1050. Mr. Bernard-Stevens renewed his pending motion, found in the Journal on page 1174, to reconsider the Schimek amendment (re: AM3631) to LB 1050.

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

PRESIDENT ROBAK PRESIDING

Ms. Schimek 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 motion to reconsider prevailed with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Ms. Schimek and Mr. Beutler withdrew their amendment, AM3631, found in the Journal on page 1098.

Mr. Wickersham renewed his pending amendment, AM3545, found in the Journal on page 1063.

Messrs. Dierks, Hilgert, and Pedersen 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 13 ayes, 9 nays, and 27 not voting.

Ms. Schimek 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. Wickersham moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Wickersham requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Abboud	Jensen	Robak	Schrock	Warner
Bromm	Jones	Robinson	Stuhr	Wehrbein
Coordsen	Matzke	Schellpeper	Vrtiska	Wickersham
Engel	McKenzie	Schmitt		

Voting in the negative, 24:

Avery	Brashear	Hilgert	Kristensen	Pirsch
Bernard-Stevens	Brown	Hillman	Landis	Preister
	Crosby	Hudkins	Lindsay	Schimek
Beutler	Fisher	Janssen	Lynch	Wesely
Bohlke	Hartnett	Klein	Maurstad	Withem

Present and not voting, 4:

Chambers	Cudaback	Elmer	Witek

Excused and not voting, 3:

Dierks	Pedersen	Will

The Wickersham amendment lost with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Witek renewed her pending amendment, FA495, found in the Journal on page 1115.

The Witek amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Bromm renewed his pending amendment, AM3584, found in the Journal on page 1115.

MRS. CROSBY PRESIDING

Messrs. Lynch and Kristensen 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 prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Withem requested a roll call vote on the Bromm amendment.

Voting in the affirmative, 18:

Abboud	Dierks	Klein	Schellpeper	Stuhr
Bromm	Engel	Kristensen	Schmitt	Vrtiska
Brown	Jensen	Matzke	Schrock	Wickersham
Coordsen	Jones	Robak		

Voting in the negative, 21:

Avery	Brashear	Hartnett	McKenzie	Warner
Bernard-Stevens	Crosby	Hillman	Pedersen	Wesely
Beutler	Cudaback	Janssen	Preister	Will
Bohlke	Elmer	Maurstad	Schimek	Withem
	Fisher			

Present and not voting, 7:

Chambers	Hilgert	Hudkins	Lindsay	Pirsch

Robinson Witek

Absent and not voting, 2:

Landis Wehrbein

Excused and not voting, 1:

Lynch

The Bromm amendment lost with 18 ayes, 21 nays, 7 present and not voting, 2 absent and not voting, and 1 excused and not voting.

Pending.

The Chair declared the call raised.

ATTORNEY GENERAL'S OPINION

Opinion No. 96024

DATE: March 14, 1996

SUBJECT: Whether a Constitutional Amendment is Necessary to Alter Nebraska's Current Form of County Governance

REQUESTED BY: Senator Joyce Hillman
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office as to whether passage of a constitutional amendment is necessary to alter the state's current form of county governance by instituting an optional "county administrator" system of government. This inquiry is directed specifically to your legislation, LR 46CA, which would place upon the November, 1996, general election ballot a proposal to amend Article IX, § 4 of the Nebraska Constitution.

The Constitution & Proposed Amendment

Pursuant to the Nebraska Constitution, "{t}he Legislature shall provide by law for the election of such county and township officers as may be necessary. . . ." Neb. Const. art. IX, § 4 (1989). Your legislation, if enacted and approved by a majority of voters, would retain the current provisions of Article IX, § 4, and add the following new text:

> The Legislature may provide by law for a county administrator form of government in which county officers may be appointed, but such form shall be optional with each county and shall occur in any county only upon adoption by a majority vote of the registered voters of the county voting on the question.

LR 46CA (as amended by AM0016). During recent debate on your legislation, a question arose as to whether, under the current language of Article IX, § 4, the Legislature is already vested with authority to enact legislation implementing your proposal. Debate on that issue prompted your request for this opinion.

Standard of Review

Our analysis of Article IX, § 4 is governed by several canons of constitutional construction which have been adopted by the Nebraska Supreme Court. First, we are bound by the cardinal rule that the state Constitution must be applied and enforced as it is written. **State ex rel. Spire v. Conway,** 238 Neb. 766, 472 N.W.2d 403 (1991). Next, the provisions of the Constitution must be read as a whole. **Jaksha v. State,** 222 Neb. 690, 385 N.W.2d 922 (1986). "Moreover, constitutional provisions are not open to construction as a matter of course; construction of a constitutional provision is appropriate only when it has been demonstrated that the meaning of the provision is not clear and that construction is necessary." 238 Neb. at 774-775, 472 N.W.2d at 408-409; **In re Application A-16642,** 236 Neb. 671, 463 N.W.2d 591 (1990).

If a provision must be construed because its meaning is not clear, then "its words are to be interpreted in their most natural and obvious sense, although they should receive a more liberal construction than statutes. . . ." 238 Neb. at 775, 472 N.W.2d at 409; **State ex rel. Spire v. Public Emp. Ret. Bd.,** 226 Neb. 176, 410 N.W.2d 463 (1987).

> The intent and understanding of {the} framers {of a constitutional amendment} and the people who adopted it as expressed in the instrument is the main inquiry in construing it. . . . It is permissible to consider the facts of history in determining the meaning of the language of the Constitution. . . . It is also appropriate and helpful to consider, in connection with the historical background, the evil and mischief attempted to be remedied, the objects sought to be accomplished, and the scope of the remedy its terms imply.

State ex rel. Spire v. Beermann, 235 Neb. 384, 389-90, 455 N.W.2d 749, 752 (1990) (quoting **State ex rel. State Railway Commission v. Ramsey,** 151 Neb. 333, 340-41, 37 N.W.2d 502, 507 (1949)) (citations omitted); **see also State ex rel. Douglas v. Beermann,** 216 Neb. 849, 347 N.W.2d 297 (1984); **Dwyer v. Omaha-Douglas Public Building Commission,** 188 Neb. 30, 195 N.W.2d 236 (1972).

Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." **State ex rel. Stenberg v. Douglas Racing Corp.,** 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994); **State ex rel. Creighton Univ. v. Smith,** 217 Neb. 682, 353 N.W.2d 267 (1984); **Cf. Lenstrom v. Thone,** 209 Neb. 783, 789,

311 N.W.2d 884, 888 (1981). In so acting, however, the court has established that "{t}he people of the state, by adopting a Constitution, have put it beyond the power of the {L}egislature to pass laws in violation thereof." **State ex rel. Randall v. Hall,** 125 Neb. 236, 243, 249 N.W. 756, 759 (1933); **see also State ex rel. Stenberg v. Murphy,** 247 Neb. 358, 527 N.W.2d 185 (1995) (holding that "constitutional language controls legislative language, not the other way around."); **State ex rel. Caldwell v. Peterson,** 153 Neb. 402, 45 N.W.2d 122 (1950) (holding that the Legislature cannot lawfully act beyond limitations of the Constitution).

Discussion

Pursuant to these guidelines, we now address your inquiry. Originally, the state Constitution contained no provisions pertaining to counties. However, "{c}ounties were apparently already in existence pursuant to territorial law. In 1873, the Legislature confirmed the boundaries of {those} and created others. It likewise made provision for the government of counties and made provision defining the powers and duties of counties and their officers." **Dwyer v. Omaha-Douglas Public Bldg. Cmms'n,** 188 Neb. 30, 37, 195 N.W.2d 236, 241 (1972); **see also State ex rel. Harte v. Moorhead,** 99 Neb. 527, 156 N.W. 1067 (1916). Limitations on the Legislature's power to create new counties or to change existing county boundaries were incorporated into the Constitution in 1875. **Id.,** 195 N.W. at 242; **see also** Neb. Const. art. X, § 1 - § 3 (1875). The provision requiring the Legislature to provide by law for the election of county officers was also incorporated into the Constitution in 1875. **See** Neb. Const. art. X, § 4 (1875). That provision has remained unaltered since its inception.[1] Based upon inclusion of these provisions in the state's Constitution, the Nebraska Supreme Court has found that "counties as subdivisions of government did and do occupy a unique place in the eyes of the drafters {of the Constitution} and the people, the ratifiers, of the Constitution." 188 Neb. at 43-44, 195 N.W.2d at 245.

The supreme court has long held that, pursuant to the Article IX, § 4 provision, "{t}he number and character of county offices that may be created rests in the discretion of the {Legislature}." **Dinsmore v. State,** 61 Neb. 418, 429, 85 N.W. 445, 448 (1901) (holding, in light of a criminal defendant's challenge to his first-degree murder conviction, that Neb. Const. art. X, § 4 (1875) vested the Legislature with the power to establish the office of county attorney); **Cf. Fitzgerald v. Kuppinger,** 163 Neb. 286, 79 N.W.2d 547 (1956); **Conroy v. Hallowell,** 94 Neb. 794, 144 N.W. 895 (1913). Thus, the Legislature has enacted a comprehensive set of statutes which create various county officers and enumerate their powers and duties.[2] Your inquiry raises the issue of whether, once created, those county officers may be appointed by a county administrator or county board, rather than being elected by a vote of the people.

The issue has been addressed by the supreme court in **State ex rel. O'Connor v. Tusa,** 130 Neb. 528, 265 N.W. 524 (1936). The controversy in that case centered on an individual's attempt to file as a

candidate for the office of Douglas County Register of Deeds for the 1936 primary election. The county election commissioner refused to accept the filing due to the fact that, two years earlier, a majority of Douglas County voters had adopted a county manager form of government which had been provided for by the Legislature. **Id.** at 529, 265 N.W. at 525. The election commissioner asserted that adoption of the county manager form of government "suspended the election of a register of deeds in Douglas County . . . until such time as the county managerial form of government {was} legally abandoned. . . . ," **id.,** because the duties of that and other county offices would be performed by the county manager or his appointees.

Similar to the proposal set forth in LR 46CA, the county manager statutes examined in **Tusa** "purport{ed} to organize a new optional form of county government without in any way destroying or interfering with the former {law}. Those counties which {did} not adopt the county manager form of government {would} continue to operate under the old law, as {would} those that . . . subsequently abandon{ed} the county manager plan." **Id.** at 530, 265 N.W. at 525-526. Thus, the Legislature's enactment had provided for two separate and distinct forms of county government. **Id.; see** 1933 Neb. Laws, ch. 35, LB156, § 1 - § 27 (codified at Neb. Rev. Stat. § 26-2001 - § 26-2018 (Supp. 1933)). The court examined provisions of the county manager statutes at length and found that, while the statute may have transferred the **duties** of the office of register of deeds to the county manager, the statutes had not expressly abolished the **office** of register of deeds. **Id.** at 535, 265 N.W. at 526.

Next, the court examined whether, by adoption of a county manager form of government, the office of register of deeds had been implicitly abolished. In order to make that determination, the court analyzed the meaning of the term "office." The court determined that

> {t}he words "office" and "officer" are terms of vague and variable impact, the meaning of which necessarily varies with the connection in which they are used, and, to determine it correctly in a particular instance, regard must be had to the intention of the statute and the subject-matter in reference to which the terms are used.
>
> . . . .
>
> One of the most important criteria of a public office is that the incumbent is vested with some of the functions pertinent to sovereignty, for it has been frequently decided that in order to be an office the position must be one to which a portion of the sovereignty of the state, either legislative, executive, or judicial, attaches for the time being.

Id. at 535-536, 265 N.S. at 528 (citations omitted); **see also State ex rel. Spire v. Conway,** 238 Neb. 766, 771-72, 472 N.W.2d 403, 407 (1991) (affirming the **Tusa** analysis and defining a public office as "a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power").

Based upon this broad definition, the court held that the register of deeds was a public, county "office," the abolition of which had been

neither expressly nor implicitly provided for by the Legislature's enactment of statutes providing for a county manager form of government. The court further determined that, as outlined in the legislative enactment, the county manager position also constituted a county officer. 130 Neb. at 536-537, 265 N.W. at 529. Since those officers, under the county manager statutes, were appointed to office, rather than elected, the supreme court declared the legislative enactment to be an unconstitutional violation of Article IX, § 4. **Id.** at 536, 265 N.W.2d at 528.

The court's **Tusa** decision is consistent with its ruling in an earlier case which involved a challenge to statutes governing the establishment of county commissioner districts in Douglas County. In **State ex rel. Harte v. Moorhead,** 99 Neb. 527, 156 N.W. 1067 (1916), a candidate for one of the county board seats instituted the action to contest the validity of the apportionment of the district which had been established by the Legislature. Resolution of the dispute centered upon the court's construction of several provisions of the Constitution. The court ultimately concluded that the districting plan was unconstitutional. **Id.** at 546-547, 156 N.W. at 1071. The court's reasoning included a finding that

> {c}ounty governments are local in nature, and the Constitution protects them in their right of local self- government. . . . **The Constitution makers had something definite in mind when they provided that county officers should be elected.**

Id. at 534, 156 N.W. at 1069 (emphasis supplied).

Based upon the supreme court's analysis of Article IX, § 4 and of the Legislature's 1933 attempt to institute an optional "county manager" system of county government, we conclude that a similar attempt to implement your proposal, without first amending the text of Article IX, § 4, would be deemed unconstitutional. While the Legislature is vested with broad authority to determine which county offices will exist, once those offices have been established, the people have retained the right to elect the individuals who will occupy those offices.

[1] Following the 1968 general election, text was added to Article IX, § 4 which granted authority for the consolidation of county offices. **See** 1967 Neb. Laws, LB 85. That amendment did not affect the preexisting language pertaining to county officers.

[2] **See, e.g.,** Neb. Rev. Stat. § 23-105 (county board); Neb. Rev. Stat. § 23-1201 (county attorney); Neb. Rev. Stat. § 23-1301 (county clerk); Neb. Rev. Stat. § 23-1501 (register of deeds); Neb. Rev. Stat. § 23-1601 (county treasurer); Neb. Rev. Stat. § 23-1701 (county sheriff); Neb. Rev. Stat. § 23-1901 (county surveyor/engineer); Neb. Rev. Stat. § 23-3201 (county assessor); Neb. Rev. Stat. § 23-3301 (county superintendent); Neb. Rev. Stat. § 23-3401 (public defender).

Sincerely,
DON STENBERG

Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-24-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

AMENDMENTS - Print in Journal

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1322: AM3524

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 11. Section 71-1534, Reissue Revised Statutes of Nebraska, is amended to read:

71-1534. (1) All housing projects under an authority shall be subject to the planning, zoning, sanitary, and building laws, and other ordinances and regulations applicable to the locality in which the housing project is situated. In the planning and location of any housing project, an authority shall take into consideration the relationship of the project to any larger plan or long-range program for the development of the area in which the housing authority functions.

(2) All housing projects under an authority created by a city of the metropolitan class shall be equally distributed across census tracts predominately zoned residential and shall be located entirely within the authority's area of operation.

Sec. 12. Original section 71-1534, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1322: AM3522

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 11. Section 71-1519, Reissue Revised Statutes of Nebraska, is amended to read:

71-1519. All cities, villages, and counties of this state are hereby granted power and authority to create housing authorities and joint housing authorities. ~~, except that cities of the metropolitan class shall not create or participate in joint housing authorities.~~

Sec. 12. Original section 71-1519, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. Pirsch and Mr. Lynch filed the following amendment to LB 1322: AM3523

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 11. Section 71-1522, Reissue Revised Statutes of

Nebraska, is amended to read:

71-1522. For purposes of the Nebraska Housing Authorities Law, unless the context otherwise requires:

(1) Authority or housing authority ~~shall mean~~ means any of the public corporations created pursuant to the law, and such terms ~~shall~~ also ~~include~~ includes a joint housing authority, unless the context ~~shall specify~~ specifies otherwise;

(2) City ~~shall mean~~ means any city incorporated under the laws of this state; county ~~shall mean~~ means any county in this state; village ~~shall mean~~ means any village incorporated under the laws of this state; a city ~~shall mean~~ means the particular city for which a particular housing authority is created; a county ~~shall mean~~ means the particular county for which a particular housing authority is created; and a village ~~shall mean~~ means the particular village for which a particular housing authority is created;

(3) Governing body ~~shall mean~~ means, in the case of the city, the council; in the case of a village, the board of trustees; and in the case of a county, the county board;

(4) Mayor ~~shall mean~~ means the mayor of the city or the officer charged with the duties customarily imposed upon a mayor or executive head of the city, and the chairperson of the board of trustees ~~shall mean~~ means the executive head of a village;

(5) Clerk ~~shall mean~~ means the clerk of the city, village, or county, as the case may be, or the officer charged with the duties customarily imposed on such clerk;

(6) Area of operation ~~shall mean~~ means: (a) In ~~the case of metropolitan cities, a city and the area within ten miles of the territorial boundaries thereof; (b) in~~ the case of a city ~~not of the metropolitan class~~ or a village, such city or village and the area within five miles of the territorial boundaries thereof, except that the area of operation of a housing authority of any city or village shall not include any area which lies within the territorial boundaries of any other city or village in which a housing authority has been created pursuant to the law; ~~(c)~~ (b) in the case of a county, all of the county except that portion which lies within the territorial boundaries of any city or village in which a housing authority has been created pursuant to the law; and ~~(d)~~ (c) in the case of a joint housing authority, an area equivalent to the total areas of operation which the housing authorities, if created separately by the cities, villages, or counties establishing the joint authority, would have. The creation of subsequent housing authorities shall not affect the area of operation or territorial jurisdiction of any existing housing authority, except that no existing housing authority shall thereafter establish any new project within the territorial boundaries of any city or village which subsequently established a housing authority for that city or village without the consent of such subsequent housing authority and approval of the governing body of such city or village. No joint housing authority shall

establish any new project within the area of operation of any other housing authority without the consent of such other housing authority. In the case of changes in the boundaries of political subdivisions which have established housing authorities or the establishment of subsequent housing authorities, territories may exist that are under the area of operation or concurrent jurisdiction of two or more housing authorities, except that no new housing project shall be constructed by any authority within such area of concurrent jurisdiction without sixty days' prior written notice to all other housing authorities existing within such area of concurrent jurisdiction. The notice shall specify the location and general nature of the proposed new project. Any housing project established by a housing authority pursuant to the law shall continue to be maintained and operated by the housing authority so establishing it except as provided in section 71-1550;

(7) Federal government ~~shall mean~~ means the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America;

(8) Slum ~~shall mean~~ means an area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health, and morals;

(9) Housing project or projects ~~shall mean~~ means any work or undertaking on contiguous or noncontiguous sites, whether within a slum area or not, (a) to demolish, clear, or remove buildings, (b) to provide or assist in providing, by any suitable method, including, but not limited to, rental or sale to persons of low income, of individual units and single or multifamily structures which provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low income, elderly or handicapped persons of low income, or displaced persons, or (c) to accomplish a combination of the foregoing. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, utilities, parks, site preparations, and landscaping and facilities for administrative, community, health, recreational, welfare, or other purposes. The terms housing project or projects also may be applied to the planning of buildings and other improvements, the acquisition of property or any interest therein, and the demolition of existing structures, construction, reconstruction, rehabilitation, alteration, or repair of the improvements, and all other work in connection therewith. The terms ~~shall~~ include all other real and personal property and all tangible or intangible assets held or used in connection with the housing project;

(10) Persons of low income ~~shall mean~~ means persons or

families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding;

(11) Bonds ~~shall mean~~ means any bonds, notes, interim certificates, debentures, or other obligations issued by the authority pursuant to the law;

(12) Real property ~~shall mean~~ means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise, in the indebtedness secured by such liens;

(13) Obligee of the authority or obligee ~~shall mean~~ means any bondholder, the trustee or trustees for any bondholders, the holder of any note, mortgage, or other security authorized pursuant to the law, any lessor demising to the authority property used in connection with the housing project or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the authority;

(14) Public body ~~shall mean~~ means the state and any city, county, or municipal corporation and any commission, district, authority, agency, subdivision, or other body of any of the foregoing;

(15) Elderly ~~shall mean~~ means any person sixty-two years of age or older on the date such person intends to occupy the premises or any family the head of which, or his or her spouse, is elderly as defined in this subdivision and who meets the income or other conditions established by the regulations of the authority;

(16) Handicapped ~~shall mean~~ means a person whose functioning is substantially impaired and who meets the disability, income, or other conditions as determined in accordance with the regulations established by the authority;

(17) Displaced ~~shall mean~~ means a person who is removed from his or her dwelling by the rehabilitation, clearance, or redevelopment of slums in blighted areas, condemnation, enforcement of minimum dwelling standard ordinances, or the exercise of the power of eminent domain as a result of governmental action and who meets the income and other conditions as determined in accordance with the regulations established by the authority;

(18) Community facilities ~~shall include~~ includes real and personal property and buildings and equipment for recreational, educational, health, or welfare purposes and necessary utilities when designed primarily for the benefit and use of the occupants of the dwelling accommodations, or for both;

(19) Joint housing authority ~~shall mean~~ means an authority created by two or more cities, villages, or counties, or any combination thereof; and

(20) Instrumentality ~~shall mean~~ means a nonprofit

corporation created by a housing authority solely for the purpose of administering housing under section 8 of the United States Housing Act of 1937, as amended.

Sec. 12. Original section 71-1522, Reissue Revised Statutes of Nebraska, is repealed.".

Mrs. McKenzie filed the following amendment to LB 299:
AM3930

(Amendments to Standing Committee amendments, AM3654)

1. On page 3, line 18, strike "or"; in line 27 before the period insert ", or (4) expenditures in support of special education and related services".

Mrs. McKenzie filed the following amendment to LB 299:
AM3912

(Amendments to Standing Committee amendments, AM3654)

1. On page 2, line 19, before "For" insert "(1)"; in line 23 after the period insert "A governmental unit may exceed the budget limit by an additional one-half percent upon the affirmative vote of at least seventy-five percent of the governing body.

(2)"; and in line 26 after the period insert "A governmental unit may exceed the budget limit by an additional two percent upon the affirmative vote of at least seventy-five percent of the governing body.

(3)".

Mrs. Bohlke filed the following amendment to LB 1050:
AM3629

(Amendments to E & R amendments, AM7210)

1. Insert the following new sections:

"Sec. 3. Section 79-4,176.01, Revised Statutes Supplement, 1995, is amended to read:

79-4,176.01. (1) Each school district shall adopt a policy requiring the expulsion from school for a period of not less than one year of any student who is determined to have knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a ~~school-owned~~ vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee, or at a school-sponsored activity or athletic event. For purposes of this section, firearm means a firearm as defined in 18 U.S.C. 921. The policy shall authorize the superintendent or school board to modify the expulsion requirement on an individual basis.

(2) Each school district shall provide annually to the State Department of Education:

(a) An assurance that the school district has in effect the policy required by subsection (1) of this section; and

(b) A description of the circumstances surrounding any

expulsions imposed under the policy required by subsection (1) of this section, including:

(i) The name of the school concerned;

(ii) The number of students expelled from the school; and

(iii) The types of weapons concerned.

Sec. 5. Section 79-4,180, Revised Statutes Supplement, 1995, is amended to read:

79-4,180. The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school grounds, in a ~~school-owned~~ vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

(1) Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;

(2) Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;

(3) Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;

(4) Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;

(5) Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon;

(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 or being under the influence of a controlled substance or alcoholic liquor;

(7) Public indecency as defined in section 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;

(8) Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at ~~an educational function~~ a school function, activity, or event. For purposes of this subdivision, sexual assault shall

mean sexual assault in the first degree and sexual assault in the second degree as defined in sections 28-319 and 28-320, as such sections now provide or may hereafter from time to time be amended;

(9) Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or

(10) A repeated violation of any rules and standards validly established pursuant to section 79-4,176 if such violations constitute a substantial interference with school purposes.

It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a student who is truant, tardy, or otherwise absent from required school activities.".

2. Amend the operative date and repealer sections so that sections 3 and 5 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Pirsch filed the following amendment to LB 1050:
AM3942

(Amendments to E & R amendments, (AM7210)

1. Insert the following new sections:

"Section 1. Section 14-554, Reissue Revised Statutes of Nebraska, is amended to read:

14-554. (1) The county in which any city of the metropolitan class is located shall receive as full compensation for collection and disbursement of all funds of such city an amount equal to one percent of all money collected from taxation. Such fee shall be paid monthly out of the general funds of the city.

(2) Such county shall receive as full compensation for the collection and disbursement of all money from taxation and pursuant to section 77-3523 coming to the board of education an amount equal to one percent thereof, to be paid out of the general fund. ~~, less the sum of one thousand dollars per annum, such sum to be payable in equal monthly installments to the county treasurer as salary for services as ex officio treasurer of the board of education.~~

(3) Such county shall receive as full compensation for the collection and disbursement of the funds of the metropolitan utilities district an amount equal to one percent of all money collected by the county treasurer.

(4) The county treasurer, as ex officio city treasurer, shall receive as additional salary and compensation for the performance of his or her duty as such officer the sum of one thousand dollars per annum from the city to be payable quarterly from the funds of the city.

Sec. 2. Section 23-1601, Revised Statutes Supplement, 1995, is amended to read:

23-1601. (1) It is the duty of the county treasurer to

receive all money belonging to the county, from whatsoever source derived, and all other money which is by law directed to be paid to him or her. All money received by the county treasurer for the use of the county shall be paid out by him or her only on warrants issued by the county board according to law, except when special provision for payment of county money is otherwise made by law.

(2) The county treasurer shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession, as provided in sections 23-346 to 23-350.

(3) The county treasurer, at the direction of the city or village, shall invest the bond fund money collected for each city or village located within each county. The bond fund money shall be invested by the county treasurer and any investment income shall accrue to the bond fund. The county treasurer shall notify the city or village when the bonds have been retired.

(4) On or before the fifteenth day of each month, the county treasurer (a) shall pay to each city or village and school district located within the county the amount of all funds collected or received for the city or village and school district the previous calendar month, including bond fund money when requested by any city of the first class under section 16-731, and (b) on forms provided by the Auditor of Public Accounts, shall include with payment a statement indicating the source of all such funds received or collected and an accounting of any expense incurred in the collection of ad valorem taxes, except that the Auditor of Public Accounts shall, upon request of a county, approve the use and reproduction of a county's general ledger or other existing forms if such ledger or other forms clearly indicate the sources of all funds received or collected and an accounting of any expenses incurred in the collection of ad valorem taxes.

(5) Notwithstanding subsection (4) of this section, the county treasurer of any county in which a city of the metropolitan class or a Class V school district is located shall pay to the city of the metropolitan class and to the Class V school district on a weekly basis the amount of all current year funds as they become available for the city or the school district.

Sec. 6. Section 79-1004, Reissue Revised Statutes of Nebraska, is amended to read:

79-1004. The members of the board of education at their regular meeting in January each year shall elect a president and vice president from their own members, who shall serve for terms of one year or until their successors are elected and qualified. They may also select from outside their own members one superintendent of public schools, one secretary, one treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms of not to exceed

three years. The board shall have the power to elect its president and vice president and to select its officers and employees in accordance with rules adopted by the board.

Sec. 7. Section 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by section 345, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 345. The treasurer of a Class V school district shall receive all taxes of the school district from the county treasurer. ~~of the county in which a city of the metropolitan class is located shall be ex officio treasurer of the board of education of a Class V school district. The treasurer shall collect all taxes of the school district, and his or her powers with respect to such taxes shall be the same as his or her powers with respect to the collection of county taxes.~~ The treasurer of the school district shall attend all meetings of the board of education of the Class V district when required to do so, shall prepare and submit in writing a monthly report of the state of the district's finances, and shall pay school money only upon a warrant signed by the president, or in the president's absence by the vice president, and countersigned by the secretary. The treasurer shall also perform such other duties as designated by the board. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the treasurer shall give bond, payable to the board, ~~of education~~ in such amount as may be required by the board, ~~of education,~~ but in no event less than two hundred thousand dollars, conditioned for the faithful discharge of his or her duties as treasurer of the school district, for the safekeeping and proper disbursement of all funds and money of the school district ~~collected or~~ received by the treasurer. ~~him or her, and for all taxes not collected whenever such taxes or assessments remain uncollected by him or her by reason of any neglect of duty, want of diligence, or failure on his or her part to comply with the law relating to the collection thereof.~~ Such bond shall be signed by one or more surety companies of recognized responsibility, to be approved by the board. ~~of education.~~ The cost of the bond shall be paid by the school district. Such bond may be enlarged at any time the board ~~of education~~ may deem an enlargement or additional bond necessary.

Sec. 8. Section 79-1005, Reissue Revised Statutes of Nebraska, is amended to read:

79-1005. All accounts shall be audited by the secretary and approved by a committee to be styled the committee on claims. No expenditures greater than one thousand dollars shall be voted by the board, except in accordance with the provisions of a written contract, nor shall any money be appropriated out of the school fund except on a recorded affirmative vote of a majority of all the members of the board. All money belonging to the school district, in the hands of the county treasurer ~~as ex officio treasurer of the~~

~~school district,~~ shall be accounted for and disbursed directly to the board of education in accordance with section 23-1601.

Sec. 9. Section 79-1040, Revised Statutes Supplement, 1995, is amended to read:

79-1040. The treasurer of the ~~county in which the~~ school district ~~is located~~ shall be ex officio treasurer of the system. The treasurer shall act as official custodian of the cash and securities belonging to the system, shall provide adequate safe deposit facilities for the preservation of such securities, and shall hold such cash and securities subject to the order of the board of education. The treasurer shall receive all items of taxes or cash belonging to the system, shall deposit in banks approved by the board of education all such amounts in a trust account secured by collateral in accordance with the depository law, and shall submit a monthly report to the board of all such transactions. Notwithstanding any limitations elsewhere imposed by statute on the location of the system's depository bank, such limitations shall not apply to the use of a depository bank for the custody of international investments or other investments which require the use of a designated depository institution. The treasurer shall make payments for purposes specified in sections 79-1032 to 79-1060 upon warrants issued according to law by the board of education designated Retirement Fund, (corporate name of the school district as described in section 79-401), and signed by the president and secretary of the board of education. All banks and custodians which receive and hold securities and investments for the system may hold and evidence such securities by book entry account rather than obtaining and retaining the original certificate, indenture, or governing instrument for such security. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the ~~The~~ treasurer shall furnish a corporate surety bond payable to the school district and acceptable to the board in such amount as the board shall designate. The bond shall be in addition to his or her bond as treasurer ~~ex officio~~ of the school district and the cost of the bond shall be paid by the school district.

Sec. 45. Original sections 14-554, 79-1004, and 79-1005, Reissue Revised Statutes of Nebraska, sections 23-1601 and 79-1040, Revised Statutes Supplement, 1995, and section 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by section 345, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, are repealed.".

2. Amend the operative date section so that the sections added by this amendment become operative September 1, 1996.

3. Renumber the remaining sections and correct internal references accordingly.

MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1050 without further amendment or debate.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1373A. 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 1373, Ninety-fourth Legislature, Second Session, 1996.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 1253. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob Busch from Mitchell and George Chikos from Bridgeport; 14 seventh grade students and sponsor from Dawes Middle School, Lincoln; Mary Jane Nielsen from Brunswick; Judy Kreutz from Harvard; 48 fifth grade students, sponsors, and principal from Linden Elementary, Fremont; Aimee Mallory from Lincoln; and Paul Peters, Arnie Stuthman, Phil Hardenbuger, and Max Waldo.

RECESS

At 12:12 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., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hilgert, Kristensen, Landis, Lynch, Matzke, Robinson, Schmitt, Will, Withem, Mmes. Bohlke, Brown, and Hudkins who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 1189. Mr. Chambers renewed his pending amendment, FA542, found in the Journal on page 1229, to the pending Standing Committee amendment.

Mr. Chambers withdrew his amendment.

Mr. Pedersen renewed his pending amendment, FA545, found in the Journal on page 1275, to the Standing Committee amendment.

Messrs. Dierks, Abboud, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Pedersen withdrew his amendment.

Mr. Bernard-Stevens renewed his pending amendment, AM3777, found in the Journal on page 1275, to the Standing Committee amendment.

Mr. Bernard-Stevens withdrew his amendment.

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

Mr. Bernard-Stevens renewed his pending amendment, AM3776, found in the Journal on page 1276, to the Standing Committee amendment.

MR. COORDSEN PRESIDING

Mrs. Hillman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Bernard-Stevens amendment was adopted with 35 ayes, 2 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Messrs. Bernard-Stevens and Will renewed their pending amendment, AM3822, found in the Journal on page 1276, to the Standing Committee amendment.

Messrs. Landis, Klein, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

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

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Bernard-Stevens 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 Bernard-Stevens-Will amendment.

Voting in the affirmative, 24:

Avery	Brown	Hudkins	Matzke	Schimek
Bernard-Stevens	Chambers	Klein	Maurstad	Stuhr
Bohlke	Elmer	Kristensen	McKenzie	Wesely
Brashear	Fisher	Lindsay	Pedersen	Will
	Hilgert	Lynch	Robak	Withem

Voting in the negative, 13:

Crosby	Janssen	Pirsch	Warner	Wickersham
Engel	Jensen	Schmitt	Wehrbein	Witek
Hillman	Jones	Schrock		

Present and not voting, 6:

Beutler	Hartnett	Preister	Schellpeper	Vrtiska
Bromm				

Excused and not voting, 6:

Abboud	Cudaback	Dierks	Landis	Robinson
Coordsen				

The Bernard-Stevens-Will amendment lost with 24 ayes, 13 nays, 6 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 354. Introduced by Fisher, 35.

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, statistics of children who are abused and neglected escalate each year; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community and become involved in supporting parents to raise their children in a safe, nurturing environment.

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

1. That the Legislature declares April as Child Abuse Prevention Month.

Laid over.

LEGISLATIVE RESOLUTION 355. Introduced by Janssen, 15.

PURPOSE: The land disposal of discarded household appliances became illegal in the State of Nebraska on September 1, 1995, in accordance with section 13-2039, R.S.Supp., 1995. Since that time, many areas of the state have seen an increase in the number of illegally dumped household appliances. Law enforcement officials have been experiencing problems with catching and proving violations of the statute prohibiting such dumping due to the requirement that they actually see the illegal dumping. The purpose of this resolution is to study the problems which law enforcement is experiencing due to the illegal dumping of household appliances and the possible methods of addressing these problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1316A. 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 1316, Ninety-fourth Legislature, Second Session, 1996.

LEGISLATIVE BILL 323A. 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 323, Ninety-fourth Legislature, Second Session, 1996.

AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 299:
AM3946
(Amendments to Standing Committee amendments, AM3654)

1. On page 3, line 24, after the period insert "Any unused budget authority existing on the effective date of this act by reason of any prior law may be used for increases in budgeted requirements.".

Mrs. Bohlke filed the following amendment to LB 1119:
(Amendment on file in the Clerk's Office - Room 2018 - AM3760.)

Mr. Schrock filed the following amendment to LB 1050:
AM3962
(Amendments to Standing Committee amendments, AM7210)

1. On page 19, line 10; and page 22, line 4, strike "1996-97" and insert "1997-98".

Mrs. McKenzie filed the following amendment to LB 299:
AM3939
(Amendments to Standing Committee amendments, AM3654)

1. On page 3, line 18, strike "or"; and in line 21 after "1973" insert ", or (4) amounts spent from incentive grants from the Education Innovation Fund".

Mr. Wickersham filed the following amendment to LB 700A:
AM3934
(Amendments to Final Reading copy)

1. Strike original sections 4 to 11 and insert the

following new sections:

"Sec. 4. There is hereby appropriated (1) $1,010 from the General Fund and $475 from federal funds for FY1996-97 and (2) $1,045 from the General Fund and $492 from federal funds for FY1997-98 to the State Department of Education, for Program 25, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $33 from the General Fund and $122 from federal funds for FY1996-97 and (2) $34 from the General Fund and $126 from federal funds for FY1997-98 to the State Department of Education, for Program 351, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $1,640 from the General Fund, $433 from the Nebraska School for the Deaf Cash Fund, and $10 from federal funds for FY1996-97 and (2) $1,697 from the General Fund, $448 from the Nebraska School for the Deaf Cash Fund, and $10 from federal funds for FY1997-98 to the State Department of Education, for Program 401, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

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) $555 from the General Fund and $263 from the Nebraska School for the Visually Handicapped Cash Fund for FY1996-97 and (2) $574 from the General Fund and $272 from the Nebraska School for the Visually Handicapped Cash Fund for FY1997-98 to the State Department of Education, for Program 402, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 8. (1) There is hereby appropriated (a) $73 from the School District Reimbursement Fund for FY1996-97 and (b) $76 from the School District Reimbursement Fund for FY1997-98 to the Department of Public Institutions, for Program 421, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

(2) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

(3) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law, the unexpended balance remaining on December 31, 1996, of the appropriation made pursuant to subsection (1) of this section shall be transferred and is hereby appropriated to Agency 25, Department of Health and Human Services, Program 421, Beatrice State Developmental Center, for FY1996-97.

Sec. 9. (1) There is hereby appropriated (a) $267 from the School District Reimbursement Fund and $10 from federal funds for FY1996-97 and (b) $276 from the School District Reimbursement Fund and $10 from federal funds for FY1997-98 to the Department of Public Institutions, for Program 365, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

(2) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

(3) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law, the unexpended balance remaining on December 31, 1996, of the appropriation made pursuant to subsection (1) of this section shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services, Program 365, Mental Health, for FY1996-97.

Sec. 10. There is hereby appropriated (1) $968 from the General Fund and $231 from federal funds for FY1996-97 and (2) $1,002 from the General Fund and $239 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 250, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 11. There is hereby appropriated (1) $144 from the General Fund and $20 from federal funds for FY1996-97 and (2) $149 from the General Fund and $21 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 200, to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Withem filed the following amendment to LB 299:
AM3936

(Amendments to Standing Committee amendments, AM3654)

1. Strike sections 10 to 14 and insert the following new sections:

"Sec. 10. Section 79-101.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-101.01. (1) For purposes of statutes governing

schools:

(a) Affiliated school system shall mean the high school district and the Class I districts or portions of Class I districts affiliated with such high school district;

(b) Affiliation or affiliation of school districts shall mean an ongoing association of a Class I district or portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts for the purpose of (i) providing a high school program serving the Class I district students and (ii) maintaining tax support to finance such program. The services provided may include student transportation; and

(c) Class VI school system shall mean a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.

(2) Beginning January 1, 1992, any school district boundaries changed by the means provided by Nebraska law, including the methods provided by sections 79-102.01, 79-102.02, 79-402, 79-402.03 to 79-402.10, 79-402.17, 79-402.19, 79-402.20, 79-403 to 79-403.03, 79-406, 79-407, 79-408, 79-408.01 to 79-408.03, 79-409, 79-420, 79-421, 79-426.01 to 79-426.19, 79-426.23 to 79-426.26, 79-426.28, 79-480 to 79-482, 79-486, 79-512, 79-533, 79-603, 79-701, 79-1107, and 79-1108 but excluding the method provided by sections 79-801 to 79-810.01, shall be made only upon an order issued by the county superintendent. If the boundaries so changed are in more than one county, such order shall be issued jointly by the county superintendents of all counties involved. The order shall be certified to the county clerk of each county in which boundaries are changed and shall also be certified to the State Department of Education. Such order shall be issued no later than June 1 and shall have an effective date no later than August 1 of the same year. For purposes of the school district boundary map provided by the county superintendent pursuant to section 23-3306, determining school district counts pursuant to section 79-458, and calculating state aid allocations pursuant to the Tax Equity and Educational Opportunities Support Act, any change in school district boundaries with an effective date between June 1 and August 1 of any year shall be considered effective June 1 of such year.

(3) Unless otherwise provided by state law or by the terms of an affiliation or reorganization plan or petition which is consistent with state law, all assets, including budget authority as provided in sections 79-3814 to 79-3821, or sections 1 to 5 of this act and liabilities, except bonded obligations, of school districts merged, dissolved, or annexed shall be transferred to the receiving district or districts on the basis of the proportionate share of assessed valuation received at the time of reorganization. When a Class II, III, IV, or V school district becomes a Class I school district:

(a) Which becomes part of a Class VI district which

offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

(b) Which is affiliated or becomes part of a Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the Class II, III, IV, or V school district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part and to the high school district or districts with which the Class I district is affiliated on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district.

Sec. 11. Section 79-451, Reissue Revised Statutes of Nebraska, is amended to read:

79-451. The secretary shall:

(1) On or before July 20 in all classes of school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath showing the number of children from birth through twenty years of age belonging to the school district according to the census taken as provided in section 79-458. The report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report children from birth through eleven years of age and (b) in grades kindergarten through eight shall report children from birth through thirteen years of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report children who are twelve through twenty years of age and (ii) in grades nine through twelve children who are fourteen through twenty years of age. Each Class I district which has affiliated in whole or in part shall report children from birth through thirteen years of age. Each Class I district which is not in whole or in part a part of a Class VI district and which has not affiliated in whole or in part shall report children from birth through twenty years of age. Each Class II, III, IV, or V district shall report children who are fourteen through twenty years of age residing in Class I districts or portions thereof which have affiliated with such district. The school board of any district neglecting to take and make return of the enumeration shall be liable to the school district for all school money which such district may lose by such neglect;

(2) On or before July 15 in all school districts, deliver to the county superintendent, to be filed in his or her office, a

report under oath described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age and also the number twenty-one years of age and older, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher, and (d) such other information as the Commissioner of Education directs;

(3) On or before October 15 in Class I school districts, submit to the county superintendent, to be filed in his or her office, and on or before November 1 in Class II, III, IV, V, and VI school districts, submit to the county superintendent and to the Commissioner of Education, to be filed in their offices, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as shall be necessary to fulfill the requirements of sections 79-3304 and 79-3803 to 79-3821 or sections 1 to 5 of this act, and (e) such other information as the Commissioner of Education directs; and

(4) On or before October 15 of each year, deliver to the county superintendent and to the State Department of Education the fall school district membership report, which report shall include the number of children from birth through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students by grade level and classification, including, but not limited to, option students, wards of the court, or contract students, (b) school district levies for the current fiscal year, and (c) total assessed valuation for the current fiscal year. When any school district fails to submit its fall school district membership report by November 1, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of such report. The county treasurer shall withhold such money.

Sec. 12. Section 79-1567, Reissue Revised Statutes of Nebraska, is amended to read:

79-1567. Any expenditure made by a school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by Laws 1993, LB 292, and section 79-1551 shall be considered a general fund expenditure of the district and shall not be exempt from the growth limitations placed on district spending by the Tax Equity and Educational Opportunities Support Act or the

requirements of sections 1 to 5 of this act.

Sec. 13. Section 79-3803, Revised Statutes Supplement, 1995, is amended to read:

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. For the calculation of state aid to be paid in school year 1994-95 and each school year thereafter, adjusted valuation shall mean the adjusted valuation for the property tax year ending during the school year in which the aid based upon that value is to be paid. 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) Base fiscal year shall mean the first fiscal year in which all data sources reflect the reorganized district as a single district for the calculation of state aid;

(6) Board shall mean the school board or board of education of each school district;

(7) 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;

(8) Consolidate shall mean to voluntarily reduce the number of school districts providing education to a grade group;

(9) Current school year shall mean the current school fiscal year;

(10) Department shall mean the State Department of Education;

(11) 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;

(12) Ensuing school year shall mean the school year following the current school year;

(13) Equalization aid shall mean the amount of assistance paid to a district pursuant to sections 79-3806 to 79-3813;

(14) Fall membership shall mean the total membership in grades kindergarten through twelve as reported on the fall school district membership report pursuant to section 79-451;

(15) Fiscal year shall mean the state fiscal year which is the period from July 1 to the following June 30;

(16) Formula students shall mean (a) for purposes of state aid paid in school year 1993-94, the sum of average daily membership and tuitioned resident students from the most recently available complete data year and (b) for purposes of calculation of state aid for school year 1994-95 and each school year thereafter (i) for state aid certified pursuant to section 79-3813, the sum of fall membership and tuitioned resident students from the school year immediately preceding the school year in which the aid is to be paid and (ii) for final calculation of state aid pursuant to section 79-1369, the sum of average daily membership and tuitioned resident students from the school year immediately preceding the school year in which the aid was paid;

(17) Full-day kindergarten shall mean kindergarten offered by a district for at least one thousand thirty-two instructional hours;

(18) 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 or sections 1 to 5 of this act, 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;

(19) General fund expenditures shall mean all expenditures from the general fund;

(20) 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;

(21) 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;

(22) 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;

(23) 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;

(24) Reorganized district shall mean any district involved in a consolidation and currently educating students following consolidation;

(25) State aid shall mean the amount of assistance paid to a district pursuant to sections 79-3804 and 79-3806 to 79-3813;

(26) State board shall mean the State Board of Education;

(27) 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

(28) 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. 14. Section 79-3814, Revised Statutes Supplement, 1995, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, for fiscal years beginning on or after July 1, 1998, no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821, for fiscal years beginning on or after July 1, 1998, the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 15. Section 79-3815, Reissue Revised Statutes of Nebraska, is amended to read:

79-3815. (1) The department may require each district to submit to the department a duplicate copy of such portions of the district's budget statement as the Commissioner of Education directs. The department may verify any data used to meet the requirements of the Tax Equity and Educational Opportunities Support Act. The Auditor of Public Accounts shall make necessary changes in the budget documents for districts to effectuate the

budget limitations imposed pursuant to sections 79-3814 to 79-3821 or sections 1 to 5 of this act.

(2) If a school district fails to submit to the department or the auditor the budget documents required pursuant to subsection (1) of this section by the date established in section 13-508 or fails to make any corrections of errors in the documents pursuant to section 13-504, the commissioner, upon notification from the auditor or upon his or her own knowledge that the required budget documents and any required corrections of errors from any school district have not been properly filed in accordance with the Nebraska Budget Act and after notice to the district and an opportunity to be heard, shall direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the required budget documents or corrections of errors are received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of the required budget documents or corrections of errors. The county treasurer shall withhold such money.

Sec. 16. Section 79-3816, Revised Statutes Supplement, 1995, is amended to read:

79-3816. ~~The~~ For fiscal years beginning on or after July 1, 1998, the basic allowable growth rate for general fund expenditures other than expenditures for special education shall be three percent and the allowable growth range shall be from three percent to five and one-half percent. The budget authority for special education shall be the actual anticipated expenditures for special education subject to the approval of the state board. Such budget authority shall be used only for special education expenditures.".

2. On page 7, line 4, after "act" insert "or sections 79-3814 to 79-3821".

3. On page 23, strike beginning with "79-3817" in line 14 through "sections" in line 15; and strike line 17 and insert "77-3438.02, and 77-3439, Revised".

4. Renumber the remaining sections and correct the repealer accordingly.

Mr. Vrtiska filed the following amendment to LB 1114:
AM3952

(Amendments to Standing Committee amendments, AM3657)

1. Strike section 54 and insert the following new sections:

"Sec. 4. The Revenue Committee of the Legislature shall study the issue of providing replacement revenue to political subdivisions as a result of the levy limits contained in sections 1 and 2 of this act. The study shall include, but not be limited to,

an examination of different methods of raising revenue for the provision of local services and various means to augment existing state aid programs for these political subdivisions. The committee shall make recommendations to the Legislature by January 1, 1997.

Sec. 55. Sections 4 and 55 of this act become operative on their effective date. The other sections of this act become operative on July 1, 1998.".

2. On page 1, line 3, after the second comma insert "if the Legislature has enacted legislation which is in effect on July 1, 1998, to provide state aid or other funding mechanisms to political subdivisions to enable such political subdivisions to raise revenue at a level equal to at least ninety percent of the revenue realized in fiscal year 1997-98,".

3. On page 2, line 24, strike "All" and insert "If the Legislature has enacted legislation which is in effect on July 1, 1998, to provide state aid or other funding mechanisms to political subdivisions to enable such political subdivisions to raise revenue at a level equal to at least ninety percent of the revenue realized in fiscal year 1997-98, all".

4. Renumber the remaining sections accordingly.

Mr. Vrtiska filed the following amendment to LB 1114:
AM3955
(Amendments to Standing Committee amendments, AM3657)

1. Strike section 54 and insert the following new sections:

"Sec. 4. The Revenue Committee of the Legislature shall study the issue of providing replacement revenue to political subdivisions as a result of the levy limits contained in sections 1 and 2 of this act. The study shall include, but not be limited to, an examination of different methods of raising revenue for the provision of local services and various means to augment existing state aid programs for these political subdivisions. The committee shall make recommendations to the Legislature by January 1, 1997.

Sec. 55. Sections 4 and 55 of this act become operative on their effective date. The other sections of this act become operative on July 1, 1998.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1189. Mr. Chambers renewed his pending amendment, FA546, found in the Journal on page 1276, to the Standing Committee amendment.

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

MR. COORDSEN PRESIDING

Messrs. Jones and Hilgert 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 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Avery	Crosby	Hudkins	Pirsch	Stuhr
Bromm	Dierks	Jensen	Schmitt	Witek
Chambers				

Voting in the negative, 26:

Beutler	Fisher	Kristensen	Robak	Wehrbein
Bohlke	Hartnett	Lynch	Schimek	Wesely
Brashear	Hillman	Matzke	Schrock	Wickersham
Brown	Janssen	McKenzie	Vrtiska	Will
Coordsen	Klein	Preister	Warner	Withem
Engel				

Present and not voting, 5:

Bernard-Stevens	Elmer	Lindsay	Maurstad	Schellpeper

Excused and not voting, 7:

Abboud	Hilgert	Landis	Pedersen	Robinson
Cudaback	Jones			

The Chambers amendment lost with 11 ayes, 26 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Wehrbein renewed his pending amendment, FA547, found in the Journal on page 1276, to the Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Messrs. Wesely and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

The Wehrbein amendment was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Messrs. Klein, Engel, Fisher, Vrtiska, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Avery asked unanimous consent to replace his pending amendment, AM3847, found in the Journal on page 1298, to the Standing Committee amendment, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM3847, found in the Journal on page 1298.

Mr. Avery offered the following substitute amendment to the Standing Committee amendment:

AM3971

(Amendments to Standing Committee amendments, AM3434)

1. Strike the Schimek amendment, AM3803.

2. Insert the following new section:

"Sec. 18. AGENCY NO. 13 -- STATE DEPARTMENT OF EDUCATION
Program No. 402 - Nebraska School for the Visually Handicapped

	FY1995-96	FY1996-97
CASH FUND	-0-	37,450
PROGRAM TOTAL	-0-	37,450

There is included in the appropriation to this program for FY1996-97 $23,350 to purchase a computer, braille printer, and braille translation program. There is also included in the appropriation to this program for FY1996-97 $14,100 for braille training preservice, and inservice programs for teachers.".

3. Renumber the remaining sections accordingly.

Mr. Robinson 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.

The Avery amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 2 nays, 5 present and not voting, and 16 excused and not voting.

Mmes. Bohlke and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein 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 28 ayes, 1 nay, 5 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Beutler 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: 1044, 1044A, 1141, 1205, and 1218.

Enrollment and Review Change to LB 1044

The following changes, required to be reported for publication in the Journal, have been made:
ER9138

1. The following new section has been inserted:

"Sec. 984. Original section 71-7522, Revised Statutes Supplement, 1994, is repealed.".

2. In the Bernard-Stevens amendment, AM3562, section 919 has been renumbered as section 923.

3. In lieu of the Chambers amendment, FA523, the Wesely-Dierks amendment, FA522, and the Bernard-Stevens amendment, FA488, on page 8, line 5, "; and

(4) Nothing in the Nebraska Partnership for Health and Human Services Act shall be construed to prohibit the sharing of information among programs for the sole purpose of delivering services to individuals in order to provide coordinated services to such individuals.

However, no confidential information shall be shared if prohibited by statute" has been inserted after "management".

4. In the Stuhr amendment, AM3556, on page 1, line 11, the first period has been struck.

5. In lieu of amendment 1 of the Dierks amendment, AM3512, and the Witek amendment, FA483, in the Standing Committee amendment, on page 1, line 13, "and" has been struck; and in line 14 "A plan to reduce operation costs as a result of combining the agencies involved;

(7) Coordination and exchange among the departments of financial and programmatic information, including, but not limited to, medical records, client records, vital records, and other documents or data otherwise confidential; and

(8)" has been inserted after "(6)".

6. In the Beutler amendment, AM3544, on page 1, after line 17 "; and in line 13 strike '(c)'." has been inserted.

7. In the Dierks amendment, AM3512:

a. Amendment 4 has been struck; and

b. On page 1, the matter beginning with the second semicolon in line 9 through the last quotation mark in line 10 has been struck; and the matter beginning with the second semicolon in line 15 through the last quotation mark in line 16 has been struck.

8. In the Wesely-Withem amendment, AM3346, on page 4, line 9, "780, and 784" has been struck and "and 780" inserted.

9. In the Wehrbein et al. amendment, AM3307:

a. Amendment 3 has been struck; and

b. On page 1, line 17, "(11)" has been struck and "(10)" inserted.

10. In the E & R amendments, AM7206:

a. Amendment 10 has been struck;

b. On page 2, the matter beginning with "33" in line 17 through "line" in line 18 has been struck;

c. On page 6, line 17, "the first" has been inserted after "after";

d. On page 9, line 2, "13-1207," has been inserted after the fourth comma; and in line 7 "43-117.02" has been struck and "43-118" inserted;

e. On page 11, line 3, "79-1254.02," has been struck; and in line 14 "83-176," has been inserted before "83-180";

f. On page 12, line 12, "to" has been struck and ", 71-604.05," inserted; in line 25 "71-7502," has been inserted before "71-7506"; and in line 26 "71-7522," has been inserted after the second comma;

g. On page 13, line 2, "and" has been struck; in line 17 ", and section 79-1254.02, Reissue Revised Statutes of Nebraska, as amended by section 473, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995"; in line 20 "79-3909," has been struck; in line 24 the second "and" has been struck; and in line 26 ", and section 79-3909, Reissue Revised Statutes of Nebraska, as amended by section 878, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995";

h. On page 14, line 13, "and" has been struck; and

i. On page 15, line 16, "760, 763 to 977, and 979" has been struck and "762, 765 to 783, 785 to 979, 982, and 985" inserted; and in line 17 "761, 762, and 978" has been struck and "763, 764, and 983" inserted.

11. In the Standing Committee amendments, AM2978:

a. On page 41, lines 19 and 20, "Department of Public Institutions" has been struck, shown as stricken, and "Department of Health and Human Services" inserted;

b. On page 72, line 4, an underscored comma has been inserted after "Services";

c. On page 77, line 44, the comma has been struck, shown as stricken, and "of the" inserted; in line 45 the comma has been struck and shown as stricken; and in line 48 the semicolon has been struck and shown as stricken and an underscored comma has been inserted after "Services;

d. On page 80, lines 1 and 54; page 84, line 48; page 85, line 1; page 100, line 5; page 102, line 28; page 117, line 40; page 140, lines 9, 19, 29, and 31; page 155, line 35; page 156, line 15; page 159, line 6; page 163, lines 13, 17, and 26; and page 168, lines 11 and 20, "federal" has been inserted before "Social";

e. On page 88, line 16, "said" has been struck, shown as stricken, and "such" inserted;

f. On page 91, line 25, an underscored comma has been inserted after "habits";

g. On page 100, line 38; page 108, line 50; and page 140, line 14, "federal" has been inserted after "the";

h. On page 104, line 14, the comma has been struck and shown as stricken; and in line 15 "of the" has been inserted before "Department";

i. On page 129, line 35, an underscored comma has been inserted after "directors";

j. On page 154, line 54, an underscored comma has been inserted after "blind";

k. On page 192, line 27; and page 195, line 3, "said" has been struck, shown as stricken, and "such" inserted;

l. On page 193, lines 52 and 53, "Revised" through "1994" has been struck and "Reissue Revised Statutes of Nebraska" inserted;

m. On page 204, line 3, "1995" has been struck and "1994" inserted;

n. On page 237, line 37, the comma has been struck and shown as stricken;

o. On page 251, line 44, an underscored comma has been inserted after "Support";

p. On page 260, lines 14, 20, and 25, the comma has been struck and shown as stricken;

q. On page 305, line 23, the comma has been struck and shown as stricken;

r. On page 357, line 30, "Any money in the fund available for investment shall be invested by the state investment officer pursuant to

the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act." has been inserted after the period;

s. On page 395, line 13, "the" has been inserted before "State";

t. On page 405, line 11, "to his" has been struck and shown as stricken;

u. On page 434, line 34, "Service" has been struck and "Services" inserted;

v. On page 468, line 11, "13-1207," has been inserted after the second comma; and in line 16 "43-117.02" has been struck and "43-118" inserted;

w. On page 469, line 11, "79-1254.02," has been struck; in line 21 "83-176," has been inserted before "83-180"; and in line 45 the second "to" has been struck and ", 71-604.05," inserted;

x. On page 470, line 5, "71-7502," has been inserted before "71-7506"; in line 9 "and" has been struck; in line 23 ", and section 79-1254.02, Reissue Revised Statutes of Nebraska, as amended by section 473, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995"; in line 29 "79-3909," has been struck; in line 33 "and" has been struck; and in line 35 ", and section 79-3909, Reissue Revised Statutes of Nebraska, as amended by section 878, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995"; and

y. Section 818 has been struck and the following new section inserted:

"Sec. 818. Section 79-1254.02, Reissue Revised Statutes of Nebraska, as amended by section 473, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

The contracts of the teaching staff and school nurses employed by an educational program administered by the State Department of Education, the ~~Department of Public Institutions~~ Department of Health and Human Services, or a political subdivision of the state, except a school district or an educational service unit, the colleges governed by the Board of Trustees of the Nebraska State Colleges, and any university governed by the Board of Regents of the University of Nebraska shall require the sanction of a majority of the members of the governing board. Except as provided in section 475 of this act, each such contract shall be deemed renewed and in force and effect until a majority of the governing board votes or the ~~Director of Public Institutions~~ Director of Health and Human Services determines, sixty days before the close of the contract period, to amend or terminate the contract for just cause. The department or the secretary of the governing board shall notify each teacher or school nurse in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff or nursing staff that the department or board considers may be just cause to either amend or terminate the contract for the ensuing year. Any teacher or school nurse so notified shall have the right to file, within five days after receipt of such notice, a written request with the department or board for a hearing before the department or board.

Upon receipt of such request, the department or board shall order the hearing to be held within ten days after such receipt and shall give written notice of the time and place of the hearing to the teacher or school nurse. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract and the teacher or school nurse shall be permitted to produce evidence related thereto. The department or board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing.".

12. On page 1, lines 6 and 7, "the" has been inserted before "Department" and "Standards and Evaluation" has been struck and "Regulation and Licensure" inserted; and in line 8 "to provide for the transfer of powers and duties; to change and eliminate provisions relating to the Department on Aging, the Department of Health, the Department of Public Institutions, the Department of Social Services, and the Office of Juvenile Services of the Department of Correctional Services;" has been inserted after the second semicolon.

13. On page 10, line 28; and page 11, line 26, "department" has been struck and "Department of Health and Human Services" inserted.

14. On page 11, line 22; page 17, line 8; and page 22, line 16, "the" has been inserted before "joint".

15. On page 16, line 15; and page 17, line 12, "department" has been struck and "Department of Health and Human Services Regulation and Licensure" inserted.

16. On page 20, line 15, an underscored comma has been inserted after "duties".

17. On page 21, line 22; and page 22, line 21, "department" has been struck and "Department of Health and Human Services Finance and Support" inserted.

18. On page 38, line 26, "Sections 784 and 984 of this act become operative July 1, 1998." has been inserted before "The".

19. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 1044A

The following changes, required to be reported for publication in the Journal, have been made:

ER9134

1. In the Wesely amendment, AM3489, on page 1, line 4, "to" has been struck and "from" inserted.

2. On page 1, line 4, "50," has been inserted after the third comma.

3. On page 1, line 5; page 14, line 25; page 16, line 14; page 17, lines 4 and 20; page 18, line 22; page 19, line 12; page 20, lines 1 and 17; page 21, line 5; page 22, line 13; page 23, line 2; page 24, line 8; and page 86, line 2, "389A" has been struck and "389" inserted.

4. On page 3, lines 15 and 16, "state accounting administrator" has been struck and "Accounting Administrator" inserted.

5. On page 6, line 4, "and" has been inserted after the semicolon.

6. On page 44, line 2, "The" has been struck and "Except as provided in subsection (3) of this section, the" inserted.

Enrollment and Review Change to LB 1141

The following changes, required to be reported for publication in the Journal, have been made:
ER9137

1. On page 1, the matter beginning with "the" in line 1 through line 3 has been struck and "juveniles; to amend section 83-925.07, Revised Statutes Supplement, 1995; to change provisions relating to the Youth Diagnostic and Rehabilitation Center; to eliminate a termination date; to repeal the original section; and to outright repeal section 83-4,104.01, Reissue Revised Statutes of Nebraska." inserted.

Enrollment and Review Change to LB 1205

The following changes, required to be reported for publication in the Journal, have been made:
ER9136

1. In the Chambers amendment, FA530, amendment 1 has been incorporated into the Withem amendment, AM3730, to reflect the changes to page 1, lines 7 and 8, of the E & R amendments, AM7212.

2. In the Wickersham amendment, FA529, "agriculture" has been struck and "agricultural" inserted.

3. In the E & R amendments, AM7212, on page 4, line 21, "to define a term;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1218

The following changes, required to be reported for publication in the Journal, have been made:
ER9143

1. In the E & R amendments, AM7214:

a. Section 62 has been struck;

b. On page 61, line 2, the stricken comma has been reinstated; and in line 17 "commission" has been struck, shown as stricken, and "division" inserted;

c. On page 81, line 9, "67, 68, 70, and 72" has been struck and "66, 67, 69, and 71" inserted; in line 11 "66, and 71" has been struck and "65, and 70" inserted; and in line 15 "75-369.02," has been struck; and

d. The remaining sections have been renumbered accordingly.

2. On page 1, line 7, "75-369.02," has been struck.

(Signed) David I. Maurstad, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 356. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

PURPOSE: There is a growing concern of whether or not newspaper carriers should be treated as employees for purposes of Nebraska workers' compensation laws. A recent Nebraska Supreme Court decision determined that a newspaper carrier was an employee under the workers' compensation law, but such case applied only to that specific fact situation and did not settle the issue. During the past several legislative sessions, legislation has been introduced to define a newspaper carrier as an employee for purposes of Nebraska workers' compensation law but such legislation has failed to advance. The Legislature should undertake a thorough examination of this issue to determine whether the workers' compensation laws in Nebraska require revision.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 357. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

PURPOSE: To conduct a review of the Nebraska Workers' Compensation Act and the ongoing impact of LB 757 (1993) upon the workers' compensation system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 358. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to review the Nebraska Construction Lien Act, sections 52-125 to 52-159. This law was enacted by LB 512 in 1981, and has not been amended since that time. Concerns have been raised that subcontractors, even though they have the ability, are discouraged from filing liens. This group has little protection if a contractor fails to pay his or her outstanding debt. The homeowner is not on notice of any unpaid bills after the contractor has been paid and the contractor's lien has been removed from the property.

LB 1160 was introduced in the 1996 legislative session and would have required that subcontractors who provide at least one thousand dollars in supplies or services for a real estate improvement contract shall file a lien. The bill was indefinitely postponed by the Government, Military and Veterans Affairs Committee with the stipulation that an interim study be conducted to review the Nebraska Construction Lien Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENTS - Print in Journal

Messrs. Bernard-Stevens and Will filed the following amendment to LB 1189:
AM3975

1. Insert the following new section:

"Sec. 52. AGENCY NO. 83 -- AID TO COMMUNITY COLLEGES
Program No. 51 - Aid to Community Colleges

	FY1995-96	FY1996-97
GENERAL FUND	-0-	108,939
PROGRAM TOTAL	-0-	108,939

2. Renumber the remaining sections accordingly.

Mr. Avery filed the following amendment to LB 1189:
AM3956

(Amendments to Standing Committee amendments, AM3434)

PURPOSE: This amendment will eliminate $475,000 General Funds that would be distributed to transit systems in Omaha and Lincoln for operating assistance.

AMENDMENT:

1. Strike section 24.

2. Renumber the remaining sections accordingly.

Mr. Avery filed the following amendment to LB 1189:
AM3961
(Amendments to Standing Committee amendments, AM3434)
PURPOSE: To maintain provider service rates at 75% of methodology rates in FY1996-97 and use $1,648,343 ($992,621 General Funds and $655,722 federal funds) which was provided to increase service rates to 80% of methodology rates for services to individuals on the waiting list.
AMENDMENT:
1. On page 32, line 7, strike "$6,340,589" and insert "$5,347,968" and strike the first "and"; and in line 8 strike "$4,528,389" and insert "$3,872,667" and before the period insert "; and in line 15 strike 'eighty', show as stricken, and insert 'seventy-five' ".

Mr. Avery filed the following amendment to LB 1189:
AM3967
1. On page 5, lines 21 and 22, strike "1,757,672" and insert "1,507,672".

Mr. Avery filed the following amendment to LB 1189:
AM3974
(Amendments to Standing Committee amendments, AM3434)
1. On page 1, line 2, after the first comma insert "48,".
2. On page 31, line 12, after the semicolon insert "and"; and strike beginning with the semicolon in line 13 through the final quotation marks in line 16.
3. On page 35, line 11, after "26" insert "strike '19,' and".

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM3979
1. On page 73, line 2, after the second comma insert "and on June 30, 1996,".

Mr. Schellpeper filed the following amendment to LB 1114:
AM3965
(Amendments to Standing Committee amendments, AM3657)
1. On page 2, line 21, after "for" insert "preexisting lease-purchase contracts approved prior to July 1, 1998, and for".

Messrs. Bromm and Robinson filed the following amendment to LB 1375:
AM3950
(Amendments to Standing Committee amendments, AM3078)
1. Strike the original sections and insert the following

new sections:

"Section 1. For purposes of this act:

(1) Agency means all state agencies, departments, boards, commissions, and committees, the executive branch of state government, the judicial branch of state government, and the legislative branch of state government;

(2) Gateway means any centralized electronic information system by which state government information is provided via dial-in modem or continuous link; and

(3) Public records includes all records and documents, regardless of physical form, of or belonging to this state or any agency, branch, department, board, bureau, commission, council, subunit, or committee of this state except when any other statute expressly provides that particular information or records shall not be made public. Data which is a public record in its original form shall remain a public record when maintained in computer files.

Sec. 2. The Legislature hereby finds that:

(1) Public records are publicly valuable information;

(2) Access to public records is a valuable resource;

(3) The increasing availability and use of computers is creating a growing demand for electronic access to public records;

(4) Agencies should use new technology to enhance public access to public records;

(5) There must be public accountability in the process of collecting, sharing, disseminating, and accessing public records;

(6) The Legislature has oversight responsibility for the process of collecting, sharing, disseminating, and providing access, including electronic access, to public records;

(7) Several agencies, individually and collectively, are providing electronic access to public records through various means, including gateways;

(8) There is no uniform policy regarding the management, operation, and oversight of systems providing electronic access to public records; and

(9) Determining and setting fees, if any, for access to public records is a legislative function.

Sec. 3. An agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records for a fee if the public record would otherwise be free under state law or for a fee greater than allowed by state law. Any such contract in existence on the effective date of this act shall be terminated at the earliest date permitted by the terms of the contract.

Sec. 4. Subject to the approval of the Executive Board of the Legislative Council of any proposed fee not specified in state law for accessing public records, any agency which is party to a contract (1) terminated by section 3 of this act or (2) not authorized under existing state statutes and which is related to the provision of public records, may contract for the provision of

public records for a term not to extend beyond July 1, 1997.

Sec. 5. (1) The Task Force on Electronic Access to State Government Information is created. The task force shall consist of the following members:

(a) The chairperson of the Executive Board of the Legislative Council;

(b) The Speaker of the Legislature;

(c) Three members of the Government, Military and Veterans Affairs Committee of the Legislature appointed by the chairperson of the committee;

(d) Three members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council;

(e) The Secretary of State or his or her designee; and

(f) Three 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 representative appointed by the Governor to be broadly representative of banking, insurance, and law groups;

(b) One representative appointed by the Governor to be broadly representative of libraries, consumer groups, and the general public; and

(c) One representative appointed by the Governor to represent agencies of the executive branch of government.

(3) The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The members shall be appointed within twenty days after the effective date of this act.

(4) The task force shall investigate how to best oversee and provide electronic access to public records. The investigation shall include, but not be limited to:

(a) Convening at least three public meetings for input from the general public and individuals knowledgeable in areas related to electronic access to information;

(b) Exploring technological ways and means of improving access to public records;

(c) A comparative review of other states;

(d) A comprehensive review of access to public records; and

(e) A review and analysis of current oversight of electronic access to public records.

The task force shall provide a written report by December 1, 1996, to the Legislature which includes recommendations for any changes to state law that are necessary to best oversee and provide electronic access to public records.

(5) The task force shall cease to exist on December 31, 1996.

Sec. 6. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration

shall not affect the validity or constitutionality of the remaining portions.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

MR. WILL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1120. Title read. Considered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Messrs. Preister, Dierks, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1191. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1265. 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. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1190. Title read. Considered.

Standing Committee amendment, AM3412, printed separately and referred to on page 1092, was considered.

Mr. Wehrbein renewed his pending amendment, AM3773, found in the Journal on page 1234, to the Standing Committee amendment.

Mr. Wehrbein withdrew his amendment.

Pending.

MOTION - Suspend Rules

Mr. Beutler moved to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 108 without further amendment or debate.

Laid over.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 442:
AM3976

(Amendments to Standing Committee amendments, AM2812)

1. On page 1, line 5, strike ", except that mental" and insert ". Mental"; in line 7 after "order" insert ", except as provided in subdivision (4)(c) of section 27-504 or subsection (4) of section 48-120"; in line 16 strike "twenty-five" and insert "ten"; and in line 17 strike "ten" and insert "thirty" and strike "seventy-five" and insert "thirty-five".

Mr. Wesely filed the following amendment to LB 681:
AM3935

1. Insert the following new sections:

"Sec. 187. Section 21-2631, Revised Statutes Supplement, 1994, is amended to read:

21-2631. Each member, manager, employee, or agent of a limited liability company organized under the Limited Liability Company Act who renders professional services shall hold a valid license or otherwise be duly authorized to render those professional services under the law of this state if he or she renders professional services within this state or under the law of the state, territory, or other jurisdiction in which he or she renders those professional services. Before rendering professional services, the limited liability company shall (1)(a) file with the Secretary of State a registration certificate issued to the limited liability company by the regulatory body of the particular profession for which the limited liability company is organized to do business, which certificate sets forth the name and residence address of every member as of the last day of the month preceding the filing, and ~~(2)~~ (b) certify that all members, managers, and professional employees who are required by law to do so are duly licensed or otherwise authorized to perform the professional services for which the limited liability company is organized or (2) comply with and qualify under the procedures set forth in subsection (2) of section 21-2631.01.

Sec. 188. Section 21-2631.01, Revised Statutes Supplement, 1994, is amended to read:

21-2631.01. (1) An application for issuance of a registration certificate shall be made by the limited liability company to the regulatory body in writing and shall contain the names of all members, managers, and professional employees of the

limited liability company, the street address at which the applicant proposes to perform professional services, and such other information as may be required by the regulatory body. If it appears to the regulatory body that each member, manager, and professional employee of the applicant required by law to be licensed is licensed or otherwise authorized to practice the profession of the applicant and that each member, manager, or professional employee required by law to be licensed is not otherwise disqualified from performing the professional services of the applicant, such regulatory body shall certify in duplicate upon a form bearing its date of issuance and prescribed by such regulatory body that the proposed or existing limited liability company complies with the provisions of the Limited Liability Company Act and of the applicable rules and regulations of the regulatory body. Each applicant for such registration certificate shall pay the regulatory body a fee of twenty-five dollars for the issuance of the certificate.

One copy of such certificate shall be prominently displayed to public view upon the premises of the principal place of business of the limited liability company, and one copy shall be filed with the Secretary of State who shall charge a fee of twenty-five dollars for filing the same. The certificate shall be filed in the office of the Secretary of State with the articles of organization. A registration certificate bearing an issuance date more than twelve months old shall not be eligible for filing with the Secretary of State.

(2) When licensing records of regulating boards are electronically accessible to the Secretary of State, the Secretary of State shall access the records. The access of the records shall be made in lieu of the certificate of registration or registration certificate being prepared and issued by the regulating board. The limited liability company shall file with the Secretary of State an application setting forth the names of all members, managers, and professional employees of such limited liability company as of the last day of the month preceding the date of application and shall file with the Secretary of State an annual update thereafter. The application shall be completed on a form prescribed by the Secretary of State and shall contain such other information as the Secretary of State may require. The application shall be accompanied by a license verification fee of fifty dollars.

The Secretary of State shall verify that all members, managers, and professional employees who are required by law to do so are duly licensed or otherwise legally authorized to render the same professional service or ancillary service as those which the limited liability company renders through electronic accessing of the regulating board's records. If any member, manager, or professional employee is not licensed or otherwise legally authorized to perform the professional service that the limited liability company was organized to render, the limited liability

company shall be suspended. The suspension shall remain in effect until the limited liability company attests in writing that all members, managers, or professional employees are duly licensed or otherwise legally authorized to render the appropriate service and that information is verified by the Secretary of State or all unlicensed or unauthorized members, managers, or professional employees are no longer members, managers, or professional employees of the limited liability company.

Sec. 189. Section 21-2631.02, Revised Statutes Supplement, 1994, is amended to read:

21-2631.02. Each registration certificate issued to a limited liability company pursuant to section 21-2631.01 shall expire by its own terms one year from the date of issuance and may not be renewed. Each limited liability company shall annually apply (1) to its regulatory body for a registration certificate in the manner provided in ~~such section~~ subsection (1) of section 21-2631.01 or (2) to the Secretary of State pursuant to subsection (2) of section 21-2631.01 if the records of the regulating body are electronically accessible to the Secretary of State. A certificate or application shall be filed annually with the Secretary of State within thirty days before the expiration date of the last certificate or application on file in the office of the Secretary of State or the limited liability company shall be suspended. Registration certificates shall not be transferable or assignable.

Sec. 190. Section 21-2631.03, Revised Statutes Supplement, 1994, is amended to read:

21-2631.03. A regulatory body may, upon a form prescribed by it, suspend or revoke any registration certificate issued to any limited liability company pursuant to subsection (1) of section 21-2631.01 upon the suspension or revocation of the license or other authorization to perform professional service of any member, manager, or professional employee of a holder of a certificate. Notice of such revocation shall be provided the limited liability company affected by sending by certified or registered mail a certified copy of such revocation to the limited liability company at its principal place of business set forth in the registration certificate so revoked. At the same time, the regulatory body shall forward by regular mail a certified copy of such revocation to the Secretary of State who shall remove the suspended or revoked registration certificate from his or her files and deliver it to the regulatory body.".

2. Amend the operative date and repealer sections so that sections 187 to 190 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lindsay filed the following amendment to LB 29:
AM3820

1. On page 3, line 8, after "(2)" insert "If an institution's allocation under the State Scholarship Award Program Act, the Scholarship Assistance Program Act, or the Postsecondary Education Award Program Act is equal to or exceeds, in the aggregate, the institution's share of liability calculated pursuant to section 1 of this act, the Coordinating Commission for Postsecondary Education shall withhold the portion equal to the institution's share of liability and shall transfer such funds to the Student Loan Default Fee Revolving Fund.
(3)"; and in line 12 strike "(3)" and insert "(4)".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 962.

Correctly Engrossed

The following bills were correctly engrossed: 253, 253A, 842, 922, 922A, 923, 1053, 1138, 1138A, 1162, 1184, 1252, 1275, 1336, and 1363.

Enrollment and Review Change to LB 962

The following changes, required to be reported for publication in the Journal, have been made:
ER9141
1. In the Stuhr amendment, AM3814, on page 1, line 6, the colon has been struck and "File" has been struck and "file" inserted; in line 8 the first "county" has been struck; in line 9 the semicolon has been struck; and in lines 10 and 11 "county" has been struck.

Enrollment and Review Change to LB 1053

The following changes, required to be reported for publication in the Journal, have been made:
ER9139
1. In the Lynch amendment, AM3800, on page 4, line 8, "of this act" has been inserted after "13".
2. On page 1, line 2, "and" has been struck; in line 3 "and 45-713," has been inserted after the first comma; in line 5 "and" has been struck and a comma inserted and "and 45-711," has been inserted after "8-1111,"; and in line 13 "to provide duties for licensees under the Mortgage Bankers Registration and Licensing Act; to provide operative dates;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1275

The following changes, required to be reported for publication in the Journal, have been made:
ER9142

1. On page 1, line 1, "banks and banking" has been struck and "financial institutions" inserted.

Enrollment and Review Change to LB 1336

The following changes, required to be reported for publication in the Journal, have been made:
ER9140

1. On page 1, line 1, "the Nebraska Corn Resources Act" has been struck and "grain" inserted; in line 3 ", and section 66-1345.01, Revised Statutes Supplement, 1995" has been inserted after "Nebraska"; and line 4 and all amendments thereto have been struck and "to change provisions for filling vacancies on the Corn Development, Utilization, and Marketing Board; to change levy provisions for a fee on corn and refund provisions for fees and excise taxes on corn and grain sorghum;" inserted.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 33. Title read. Considered.

Mr. Warner renewed his pending amendment, AM2754, found in the Journal on page 357.

The Warner amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 335. Read. Considered.

LR 335 was adopted with 27 ayes, 4 nays, 7 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1290. Title read. Considered.

Mr. Warner offered the following amendment:
FA565

On page 3 line 7 strike "cash" and insert "unobligated" and in line 12, after the period insert the following new language "The unobligated balance shall be calculated in the manner set forth in 77-2715.01."

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

AMENDMENTS - Print in Journal

Messrs. Maurstad, Bromm, Lindsay, Beutler, Bernard-Stevens, and Brashear filed the following amendment to LB 952:
AM3966

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 13-911, Reissue Revised Statutes of Nebraska, is amended to read:

13-911. (1) In case of death, injury, or property damage to any innocent third party proximately caused by the action of a law enforcement officer employed by a political subdivision during vehicular pursuit, damages shall be paid to such third party by the political subdivision employing the officer.

(2) Upon payment by a political subdivision of those damages sustained by an innocent third-party, whether upon voluntary settlement or in satisfaction of a judgment, the political subdivision shall be entitled to reimbursement of the amount of damages paid by the political subdivision from each and all of the following sources:

(a) The driver of the fleeing vehicle;

(b) Any organization, including a sole proprietorship, partnership, limited liability company, or corporation, liable for the conduct of the driver of the fleeing vehicle;

(c) Every insurer or self-insurance surety of either the driver of the fleeing vehicle or any organization, including a sole proprietorship, partnership, limited liability company, or corporation, liable for the conduct of the driver of the fleeing vehicle, except that no such insurer or self-insurance surety shall be required to pay in excess of the liability limit of its applicable policies or bonds;

(d) Any uninsured or underinsured motorist insurer or self-insurance surety legally liable to the innocent third-party, except that the sum recoverable from such insurer or self-insurance surety shall not exceed the highest limit of liability determined in accord with the Uninsured and Underinsured Motorist Insurance Coverage Act;

(e) The state employing law enforcement officers whose actions contributed to the proximate cause of death, injury, or

property damage sustained by the innocent third-party, except that the liability of the state shall not exceed the damages sustained by the innocent third-party apportioned equally among all political subdivisions employing law enforcement officers whose actions contributed to the proximate cause of the death, injury, or property damage sustained by the innocent third-party and the state; and

(f) Any political subdivision employing law enforcement officers whose actions contributed to the proximate cause of death, injury, or property damage sustained by the innocent third-party, except that the liability of the political subdivision shall not exceed the lessor of (i) its maximum statutory liability pursuant to the Political Subdivisions Tort Claims Act or (ii) damages sustained by the innocent third-party apportioned equally among all political subdivisions and the state employing law enforcement officers whose actions contributed to the proximate cause of the death, injury, or property damage sustained by the innocent third-party.

(3) This section shall not relieve any public or private source required statutorily or contractually to pay benefits for disability or loss of earned income or medical expenses of the duty to pay such benefits when due. No such source of payment shall have any right of subrogation or contribution against the political subdivision.

(4) This section shall be considered part of the Political Subdivisions Tort Claims Act and ~~the~~ all provisions of ~~sections 13-901 to 13-926 shall~~ the act apply.

(5) For purposes of this section, vehicular pursuit ~~shall mean~~ means an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle, when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his or her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions.

Sec. 2. Section 13-926, Reissue Revised Statutes of Nebraska, is amended to read:

13-926. The total amount recoverable under the Political Subdivisions Tort Claims Act for claims arising out of an occurrence after November 16, 1985, shall be limited to:

(1) One million dollars for any person for any number of claims arising out of a single occurrence; and

(2) Five million dollars for all claims arising out of a single occurrence.

If the damages sustained by an innocent third-party pursuant to section 13-911 are not fully recoverable from one or more political subdivisions due to the limitations in this section, additional sources for recovery shall be as follows: First, any offsetting payments specified in subsection (3) of section 13-911

shall be reduced to the extent necessary to fully compensate the innocent third party; and second, if such reduction is insufficient to fully compensate the innocent third party, the right of reimbursement granted to the political subdivision in subsection (2) of section 13-911 shall be reduced to the extent necessary to fully compensate the innocent third party.

Sec. 3. Section 29-211, Reissue Revised Statutes of Nebraska, is amended to read:

29-211. (1) Each law enforcement agency within the State of Nebraska shall adopt and implement a written policy regarding the pursuit of motor vehicles. Such policy shall contain at least the following elements:

~~(1)~~ (a) Standards which describe when a pursuit may be initiated, taking into consideration the nature and severity of the offense involved;

~~(2)~~ (b) Standards which describe when a pursuit is to be discontinued, giving special attention to ~~(a)~~ (i) the degree of danger presented to the general public and the pursuing officer and ~~(b)~~ (ii) the probability of later apprehension of the subject based upon his or her identification;

~~(3)~~ (c) Procedures governing the operation of pursuits including, but not limited to, the number and types of vehicles which may be used, the method of operation of such vehicles, and the exercise of supervision during pursuits;

~~(4)~~ (d) Procedures governing pursuits which include other law enforcement agencies or which extend into the jurisdiction of other law enforcement agencies; and

~~(5)~~ (e) A system of mandatory continued planning and review of training of personnel appropriate and consistent with the policies and jurisdiction of the law enforcement agency regarding the proper handling of pursuits, including, at a minimum, an annual review of the policy with each sworn law enforcement officer and dispatcher.

(2) It shall be the responsibility of each law enforcement agency within the State of Nebraska to ensure that all law enforcement officers who commence employment with such law enforcement agency receive specialized training in pursuit driving at the Nebraska Law Enforcement Training Center or at an equivalent training program approved by the Nebraska Police Standards Advisory Council.

Sec. 4. Section 81-8,215.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,215.01. (1) In case of death, injury, or property damage to any innocent third party proximately caused by the action of a law enforcement officer employed by the state during vehicular pursuit, damages shall be paid to such third party by the state employing the officer.

(2) Upon payment by the state of those damages sustained by an innocent third-party, whether upon voluntary settlement or in

satisfaction of a judgment, the state shall be entitled to reimbursement of the amount of damages paid by the state from each and all of the following sources:

(a) The driver of the fleeing vehicle;

(b) Any organization, including a sole proprietorship, partnership, limited liability company, or corporation, liable for the conduct of the driver of the fleeing vehicle;

(c) Every insurer or self-insurance surety of either the driver of the fleeing vehicle or any organization, including a sole proprietorship, partnership, limited liability company, or corporation, liable for the conduct of the driver of the fleeing vehicle, except that no such insurer or self-insurance surety shall be required to pay in excess of the liability limit of its applicable policies or bonds;

(d) Any uninsured or underinsured motorist insurer or self-insurance surety legally liable to the innocent third-party, except that the sum recoverable from such insurer or self-insurance surety shall not exceed the highest limit of liability determined in accord with the Uninsured and Underinsured Motorist Insurance Coverage Act; and

(e) Any political subdivision employing law enforcement officers whose actions contributed to the proximate cause of death, injury, or property damage sustained by the innocent third-party, except that the liability of any such political subdivision shall not exceed the lessor of (i) its maximum statutory liability pursuant to the Political Subdivisions Tort Claims Act or (ii) the damages sustained by the innocent third-party apportioned equally among the state and all political subdivisions employing law enforcement officers whose actions contributed to the proximate cause of the death, injury, or property damage sustained by the innocent third-party.

(3) This section shall not relieve any public or private source required statutorily or contractually to pay benefits for disability or loss of earned income or medical expenses of the duty to pay such benefits when due. No such source of payment shall have any right of subrogation or contribution against the state.

(4) This section shall be considered part of the State Tort Claims Act and all provisions of the act apply.

(5) For purposes of this section, vehicular pursuit ~~shall mean~~ means an active attempt by a law enforcement officer operating a motor vehicle to apprehend one or more occupants of another motor vehicle when the driver of the fleeing vehicle is or should be aware of such attempt and is resisting apprehension by maintaining or increasing his or her speed, ignoring the officer, or attempting to elude the officer while driving at speeds in excess of those reasonable and proper under the conditions.

Sec. 5. Original sections 13-911, 13-926, 29-211, and 81-8,215.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 6. Since an emergency exists, this act takes effect

when passed and approved according to law.".

Mr. Wehrbein filed the following amendment to LB 33:
AM3585

(Amendments to AM2754)

1. On page 2, line 3, strike "1993-94" and insert "1994-95"; in lines 4 and 5 strike "1996" and insert "1997"; in lines 5 and 6 strike "1997" and insert "1998"; and in lines 6 and 7 strike "1998" and insert "1999".

Mr. Maurstad filed the following amendment to LB 299:
AM3986

(Amendments to Standing Committee amendments, AM3654)

1. Strike original sections 1 to 4 and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act:

(1) Governing body has the same meaning as in section 13-503;

(2) Governmental unit means every political subdivision which has authority to levy a property tax except sanitary and improvement districts which have been in existence for five years or less;

(3) Population growth means (a) for governmental units other than school districts and community colleges, the percentage increase or decrease in inhabitants in the governmental unit since the beginning of the prior fiscal year, (b) for school districts, the percentage increase or decrease in average daily membership in the school district since the beginning of the prior school year, and (c) for community colleges, the percentage increase or decrease in full-time equivalent students since the beginning of the prior fiscal year. A governmental unit may use federal census numbers from the most recent federal decennial census or the most recent federal census update or recount or numbers calculated using a method similar to the method described in sections 18-1753 and 18-1754 for determining population growth;

(4) Restricted funds means (a) property taxes, excluding any amounts required to pay interest and principal on bonded indebtedness and any amounts refunded to taxpayers, (b) payments in lieu of taxes, (c) state aid, and (d) fees; and

(5) State aid means:

(a) For municipalities, state aid to municipalities paid pursuant to section 77-27,136 and insurance premium tax paid to municipalities;

(b) For counties, state aid to counties paid pursuant to section 77-27,136 and insurance premium tax paid to counties;

(c) For school districts and community colleges, state aid paid to schools under the Tax Equity and Educational Opportunities Support Act and insurance premium tax paid to schools and state aid paid to community colleges under sections 85-1536 and

85-1537, but not state aid paid for special education; and

(d) For natural resources districts, state aid to natural resources districts paid pursuant to section 77-27,136.

Sec. 2. For fiscal years beginning on or after July 1, 1996, and before July 1, 1997, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus three percent. For fiscal years beginning on or after July 1, 1997, and before July 1, 1998, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus one percent. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of restricted funds for the old provider and and the new provider may elect to add in whole or in part the same amount to the new provider's last prior year's total of restricted funds. For governmental units that have annexed property or have consolidated, the calculations made under this section for the annexing unit or consolidating units shall be made based on the combined total of restricted funds, population, average daily membership, or full-time equivalent students of each governmental unit or a portion thereof.

Sec. 3. The limitation in section 2 of this act shall not apply to (1) the budget for capital improvements financed by bonded indebtedness, appropriations from a sinking fund, or any other means, (2) the budget to support a service which becomes the subject of an interlocal cooperation agreement whether operated by one of the parties to the agreement or an independent joint entity for two fiscal years beginning with the first budget adopted after the agreement is signed, (3) amounts budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973, or (4) amounts budgeted for special education.

Sec. 4. A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law.".

2. On page 4, lines 5 and 6, strike "budget" and insert "restricted funds".

VISITORS

Visitors to the Chamber were 40 students and teachers from Kearney High School; 18 students and teacher from Axtell High School; 60 students and teachers from Minden High School; 16 fourth grade students and teacher from Omaha Christian Academy; and 15 third and fourth grade students, teacher, and sponsors from St. John the Baptist, Petersburg.

The Doctor of the Day was Rob Rhodes from Lincoln.

ADJOURNMENT

At 8:28 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Thursday, March 21, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SEVENTH DAY - MARCH 21, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 1996

Pursuant to adjournment, the Legislature met at 8:30 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, Bromm, Chambers, Engel, Janssen, Lindsay, Wesely, Will, Mmes. Bohlke, Hudkins, McKenzie, Pirsch, Robak, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1258. Title read. Considered.

Standing Committee amendment, AM3055, found in the Journal on page 721, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1296. Title read. Considered.

Mr. Wickersham withdrew his amendment, AM3817, found in the Journal on page 1316.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1276. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1273. Title read. Considered.

Mr. Wickersham renewed his pending amendment, AM3709, found in the Journal on page 1208.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Chambers withdrew his amendment, FA562, found in the Journal on page 1316.

Mrs. Witek withdrew her amendment, FA564, found in the Journal on page 1333.

Advanced to E & R for review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1273A. 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 1321. Title read. Considered.

Standing Committee amendment, AM3142, found in the Journal on page 775, 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 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1304. Title read. Considered.

Standing Committee amendment, AM3208, found in the Journal on page 812, was considered.

Mr. Lynch offered the following amendment to the Standing Committee amendment.

FA566

Amend AM3208

1. Reinstate the stricken matter on page 2, in lines 5 and 6 of the original bill.

2. Reinstate the stricken matter on page 2, in lines 15 and 16 of the original bill.

The Lynch amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Lynch renewed his pending amendment, AM3748, found in the Journal on page 1211, to the Standing Committee amendment.

The Lynch amendment was adopted with 30 ayes, 0 nays, 13 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 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 108. Mr. Dierks withdrew his amendment, AM3746, found in the Journal on page 1239.

Messrs. Landis, Robinson, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks renewed his pending amendment, AM3743, found in the Journal on page 1243, to the pending Standing Committee amendment.

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

MR. BERNARD-STEVENS PRESIDING

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 10 nays, and 29 not voting.

Mr. Janssen 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?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mrs. Crosby requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Avery	Brown	Hillman	Preister	Warner
Bernard-Stevens	Crosby	Lindsay	Robak	Wehrbein
Beutler	Elmer	Lynch	Robinson	Wesely
Brashear	Fisher	Maurstad	Schimek	Wickersham
Bromm	Hartnett	Pedersen	Schrock	Withem
	Hilgert			

Voting in the negative, 12:

Coordsen	Jensen	Matzke	Schellpeper	Stuhr
Dierks	Jones	Pirsch	Schmitt	Witek
Hudkins	Klein			

Present and not voting, 6:

Abboud	Chambers	Cudaback	McKenzie	Vrtiska
Bohlke				

Excused and not voting, 5:

Engel	Janssen	Kristensen	Landis	Will

The motion to cease debate prevailed with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Dierks requested a roll call vote on his amendment to the Standing Committee amendment.

Voting in the affirmative, 18:

Bohlke	Janssen	Matzke	Robak	Stuhr
Coordsen	Jones	Maurstad	Schellpeper	Vrtiska
Dierks	Klein	McKenzie	Schmitt	Witek
Hudkins	Lynch	Pirsch		

Voting in the negative, 24:

Abboud	Beutler	Cudaback	Hilgert	Pedersen
Avery	Bromm	Elmer	Hillman	Preister
Bernard-Stevens	Brown	Fisher	Landis	Schimek
	Crosby	Hartnett	Lindsay	Schrock

Warner Wehrbein Wesely Wickersham Withem

Present and not voting, 4:

Brashear Chambers Jensen Robinson

Excused and not voting, 3:

Engel Kristensen Will

The Dierks amendment lost with 18 ayes, 24 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mrs. Hudkins offered the following amendment to the Standing Committee amendment:
AM3990

(Amendments to Standing Committee amendments, AM3613)

1. On page 27, line 23; and page 69, line 2, strike "ten" and insert "seven".

2. On page 49, lines 19 and 20, reinstate the stricken matter and strike "two and three tenths".

3. On page 52, line 23, strike "shall", show as stricken, and insert "may".

4. On page 58, line 14, strike "ten", show as stricken, and insert "seven".

5. On page 72, line 15, strike "(1)" and show as stricken; in line 16 after "dollars" insert an underscored period; and in lines 16 and 17 strike "or" through the period and show as stricken.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mrs. Hudkins withdrew her amendments, FA548, FA549, FA550, and FA551, found in the Journal on page 1294.

Mr. Dierks renewed his pending amendment, FA552, found in the Journal on page 1296, to the Standing Committee amendment.

Mr. Dierks moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Dierks requested a roll call vote on his amendment to the Standing Committee amendment.

Voting in the affirmative, 28:

Abboud	Coordsen	Klein	Robak	Vrtiska
Avery	Cudaback	Landis	Robinson	Wesely
Bernard-Stevens	Dierks	Matzke	Schellpeper	Wickersham
Bohlke	Hudkins	Maurstad	Schmitt	Witek
Bromm	Janssen	McKenzie	Schrock	Withem
	Jones	Pirsch	Stuhr	

Voting in the negative, 2:

Crosby	Elmer

Present and not voting, 16:

Beutler	Fisher	Hillman	Lynch	Schimek
Brashear	Hartnett	Jensen	Pedersen	Warner
Brown	Hilgert	Lindsay	Preister	Wehrbein
Chambers				

Excused and not voting, 3:

Engel	Kristensen	Will

The Dierks amendment was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 359. Introduced by Jensen, 20.

PURPOSE: To study the potential beneficial effects of introducing energy management performance based contracting to the State of Nebraska and to develop suggested statutory guidelines for the establishment of energy management performance based contracting in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 consult with state agencies, school districts, and other interested parties in conducting its study.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Messrs. Lindsay and Janssen filed the following amendment to LB 1249:
AM3941
(Amendments to Standing Committee amendments, AM3037)
1. On page 1, line 1, after the comma insert "lines 2 and 16, before 'court' insert 'county';".

Mr. Chambers filed the following amendment to LB 1118:
FA567
Amend committee amendments (AM3194)
1. Page 1, lines 15 & 16, reinstate the stricken matter; in line 16, strike "The" and insert "the"

Mr. Chambers filed the following amendment to LB 1118:
FA568
Amend committee amendments (AM3194)
Page 1, line 10, strike "fifty" and show as stricken and insert "thirty"; in line 18, strike "fifty" and show as stricken and insert "twenty".

UNANIMOUS CONSENT - Members Excused

Messrs. Pedersen and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

VISITORS

Visitors to the Chamber were 47 fourth grade students and teacher from Dakota City Elementary School; 20 fourth grade students from St. John Lutheran School, Seward; 35 seniors and teacher from Wisner-Pilger High School; 19 seniors, teacher, and sponsors from Arnold Public School; and Doris and Jennifer Hartmann from Seward.

MOTION - Recess

Mr. Dierks moved to recess until 1:30 p.m.

Mr. Dierks moved for a call of the house. The motion prevailed with 21 ayes, 7 nays, and 21 not voting.

Mr. Dierks requested a roll call vote on the motion to recess.

Voting in the affirmative, 23:

Abboud	Dierks	Jones	Robak	Stuhr
Bohlke	Fisher	Klein	Schellpeper	Vrtiska
Chambers	Hudkins	Matzke	Schmitt	Wickersham
Coordsen	Janssen	McKenzie	Schrock	Witek
Cudaback	Jensen	Pirsch		

Voting in the negative, 20:

Avery	Bromm	Hartnett	Lindsay	Schimek
Bernard-Stevens	Brown	Hilgert	Lynch	Warner
Beutler	Crosby	Hillman	Maurstad	Wesely
Brashear	Elmer	Landis	Preister	Withem

Present and not voting, 1:

Wehrbein

Excused and not voting, 5:

Engel	Kristensen	Pedersen	Robinson	Will

The Dierks motion to recess prevailed with 23 ayes, 20 nays, 1 present and not voting, and 5 excused and not voting, and at 12:01 p.m., 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, Dierks, Landis, Lynch, Matzke, Robinson, Schellpeper, Schrock, Wehrbein, Wickersham, Mmes. Brown, Crosby, Robak, Witek, and Ms. Schimek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE RESOLUTION 292CA. The Bernard-Stevens pending amendment, FA563, found in the Journal on page 1320, to the pending Standing Committee amendment, was renewed.

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

The Bernard-Stevens amendment lost with 1 aye, 21 nays, 19 present and not voting, and 8 excused and not voting.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Messrs. Withem and Robinson filed the following amendment to LB 1391:
AM3989

1. Insert the following new section:

"Sec. 4. There is hereby appropriated the following sum of money, or so much thereof as may be required, from the General Fund, not otherwise appropriated, for the payment of a claim owing by the State of Nebraska.

DESCRIPTION	DOLLARS
Claim against the Supreme Court, pay to Gretchen Thomas, 502 North 40th, Omaha, NE 68131, out of the General Fund	823.30

The claims included in this section shall be paid through Program 52 in Agency 5.".

Mr. Robinson filed the following amendment to LB 1322:
AM3676

(Amendments to E & R amendments, AM7219)

1. Insert the following new sections:

"Sec. 11. Section 71-6403, Revised Statutes Supplement, 1994, is amended to read:

71-6403. (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The Uniform Building Code, 1991 edition, Chapters 1, 4 through 30, 32 through 56, and 60, and the Uniform Building Code Standards, 1991 edition, published by the International Conference of Building Officials; ~~and~~

(b) The CABO One and Two Family Dwelling Code, 1992 edition; and

(c) The Uniform Code for Building Conservation.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act.

(3) Whenever a new edition of ~~either of~~ the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrators International, Inc., if such code was adopted by the political subdivision prior to September 9, 1993.

Sec. 12. Section 71-6405, Revised Statutes Supplement, 1994, is amended to read:

71-6405. All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code, ~~or~~ the CABO One and Two Family Dwelling Code, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Sec. 13. Original sections 71-6403 and 71-6405, Revised Statutes Supplement, 1994, are repealed.".

2. On page 1, line 3, strike "This" and insert "Sections 1 to 10 of this".

3. Insert underscoring in sections 1 to 10.

GENERAL FILE

LEGISLATIVE BILL 1114. Title read. Considered.

Standing Committee amendment, AM3657, printed separately and referred to on page 1167, was considered.

MR. WILL PRESIDING

Mr. Maurstad renewed his pending amendment, AM3836, found in the Journal on page 1275, to the Standing Committee amendment.

Mrs. Bohlke and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 515:
AM3994

1. Insert the following new sections:

"Sec. 8. Section 44-5133, Reissue Revised Statutes of Nebraska, is amended to read:

44-5133. (1) An insurer may invest in interest-bearing obligations entitled to receive both principal and interest from a collateralized pool of one or more assets other than those authorized under section 44-5132. Any pool of assets serving as collateral for such investments shall have been sold to and be currently owned by a trust or corporation established solely for the purpose of holding such assets for the benefit of the obligee.

(2) Any investment authorized under this section shall have a minimum quality rating as described in subdivision ~~(2)~~ (1) of section 44-5112.

~~(3) An insurer's investments authorized under this section shall not exceed twenty percent of its admitted assets.~~

Sec. 10. Sections 1 to 7 of this act become operative three calendar months after adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 11. Original section 44-5133, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Insert underscoring in the original sections and all amendments thereto.

3. Renumber the remaining sections accordingly.

Mrs. Witek filed the following amendment to LB 590:
AM3981

(Amendments to AM3617)

1. On page 7, strike beginning with "incorporated" in line 19 through "have" in line 20 and insert "voters who reside ten miles or more from".

2. On page 9, strike beginning with the second "of " in line 8 through "have " in line 10 and insert "who reside ten miles or more from"; and in lines 19 and 20 strike beginning with "of " through "have" and insert "who reside ten miles or more from".

Mrs. Witek filed the following amendment to LB 590:
AM3980

(Amendments to AM3617)

1. On page 7, strike beginning with "including" in line 19 through the comma in line 20.

2. On page 9, lines 9 and 10 and 19 through 21, strike beginning with "unincorporated" through "library" and insert "county".

3. On page 10, line 8, after "issue" insert "of merger".

Mr. Beutler filed the following amendment to LB 1085:
AM3984
(Amendments to Standing Committee amendments, AM3649)

1. Insert the following new section:
"Sec. 34. (1) The board of supervisors for a drainage district organized under sections 31-301 to 31-377 shall submit a report to each natural resources district in which the drainage district is located prior to January 1, 1997, which includes the name and address of the drainage district, the articles of incorporation of the district, the names and addresses of the district's officers and board members, and the method of taxation used by the district.

(2) Each natural resources district shall attempt to determine the existence of any drainage districts located within the natural resources district. To determine the existence of a drainage district, the natural resources district shall consult with the county treasurers within the district. Prior to April 1, 1997, each natural resources district shall submit a report to the Clerk of the Legislature and the Natural Resources Committee of the Legislature regarding the existence of drainage districts which includes any information obtained from drainage districts and any other information gathered by the natural resources district.".

2. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 1114. The Maurstad pending amendment, AM3836, found in the Journal on page 1275 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Messrs. Coordsen and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to bracket LB 1114 until April 2, 1996.

Messrs. Wesely and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Fisher 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 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 5:

Bernard-Stevens	Chambers	Robak	Schellpeper	Schrock

Voting in the negative, 41:

Avery	Dierks	Janssen	McKenzie	Vrtiska
Beutler	Elmer	Jensen	Pedersen	Warner
Bohlke	Engel	Jones	Pirsch	Wehrbein
Brashear	Fisher	Klein	Preister	Wesely
Bromm	Hartnett	Kristensen	Robinson	Wickersham
Brown	Hilgert	Lindsay	Schimek	Will
Coordsen	Hillman	Lynch	Schmitt	Witek
Crosby	Hudkins	Matzke	Stuhr	Withem
Cudaback				

Present and not voting, 1:

Maurstad

Excused and not voting, 2:

Abboud Landis

The Chambers motion to bracket lost with 5 ayes, 41 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Maurstad requested a record vote on his amendment, AM3836, to the Standing Committee amendment.

Voting in the affirmative, 12:

Avery	Beutler	Klein	Schellpeper	Schrock
Bernard-Stevens	Chambers	Maurstad	Schimek	Vrtiska
	Cudaback	Pedersen		

Voting in the negative, 27:

Bohlke	Bromm	Coordsen	Crosby	Dierks

Fisher	Jensen	Matzke	Stuhr	Wickersham
Hartnett	Jones	Pirsch	Warner	Will
Hilgert	Kristensen	Robinson	Wehrbein	Witek
Hillman	Landis	Schmitt	Wesely	Withem
Hudkins	Lindsay			

Present and not voting, 9:

Brashear	Elmer	Janssen	McKenzie	Robak
Brown	Engel	Lynch	Preister	

Excused and not voting, 1:

Abboud

The Maurstad amendment lost with 12 ayes, 27 nays, 9 present and not voting, and 1 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mrs. Pirsch filed the following amendment to LB 604:
AM3999

(Amendments to E & R amendments, AM7220)

1. Insert the following new sections:

"Section 1. Section 14-554, Reissue Revised Statutes of Nebraska, is amended to read:

14-554. (1) The county in which any city of the metropolitan class is located shall receive as full compensation for collection and disbursement of all funds of such city an amount equal to one percent of all money collected from taxation. Such fee shall be paid monthly out of the general funds of the city.

(2) Such county shall receive as full compensation for the collection and disbursement of all money from taxation and pursuant to section 77-3523 coming to the board of education an amount equal to one percent thereof, to be paid out of the general fund. ~~, less the sum of one thousand dollars per annum, such sum to be payable in equal monthly installments to the county treasurer as salary for services as ex officio treasurer of the board of education.~~

(3) Such county shall receive as full compensation for the collection and disbursement of the funds of the metropolitan utilities district an amount equal to one percent of all money collected by the county treasurer.

(4) The county treasurer, as ex officio city treasurer, shall receive as additional salary and compensation for the performance of his or her duty as such officer the sum of one thousand dollars per annum from the city to be payable quarterly

from the funds of the city.

Sec. 2. Section 23-1601, Revised Statutes Supplement, 1995, is amended to read:

23-1601. (1) It is the duty of the county treasurer to receive all money belonging to the county, from whatsoever source derived, and all other money which is by law directed to be paid to him or her. All money received by the county treasurer for the use of the county shall be paid out by him or her only on warrants issued by the county board according to law, except when special provision for payment of county money is otherwise made by law.

(2) The county treasurer shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession, as provided in sections 23-346 to 23-350.

(3) The county treasurer, at the direction of the city or village, shall invest the bond fund money collected for each city or village located within each county. The bond fund money shall be invested by the county treasurer and any investment income shall accrue to the bond fund. The county treasurer shall notify the city or village when the bonds have been retired.

(4) On or before the fifteenth day of each month, the county treasurer (a) shall pay to each city or village and school district located within the county the amount of all funds collected or received for the city or village and school district the previous calendar month, including bond fund money when requested by any city of the first class under section 16-731, and (b) on forms provided by the Auditor of Public Accounts, shall include with payment a statement indicating the source of all such funds received or collected and an accounting of any expense incurred in the collection of ad valorem taxes, except that the Auditor of Public Accounts shall, upon request of a county, approve the use and reproduction of a county's general ledger or other existing forms if such ledger or other forms clearly indicate the sources of all funds received or collected and an accounting of any expenses incurred in the collection of ad valorem taxes.

(5) Notwithstanding subsection (4) of this section, the county treasurer of any county in which a city of the metropolitan class or a Class V school district is located shall pay to the city of the metropolitan class and to the Class V school district on a weekly basis the amount of all current year funds as they become available for the city or the school district.

Sec. 8. Section 79-1004, Reissue Revised Statutes of Nebraska, is amended to read:

79-1004. The members of the board of education at their regular meeting in January each year shall elect a president and vice president from their own members, who shall serve for terms of one year or until their successors are elected and qualified. They may also select from outside their own members one superintendent of public schools, one secretary, one treasurer, and

such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms of not to exceed three years. The board shall have the power to elect its president and vice president and to select its officers and employees in accordance with rules adopted by the board.

Sec. 9. Section 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by section 345, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 345. The treasurer of a Class V school district shall receive all taxes of the school district from the county treasurer. ~~of the county in which a city of the metropolitan class is located shall be ex officio treasurer of the board of education of a Class V school district. The treasurer shall collect all taxes of the school district, and his or her powers with respect to such taxes shall be the same as his or her powers with respect to the collection of county taxes.~~ The treasurer of the school district shall attend all meetings of the board of education of the Class V district when required to do so, shall prepare and submit in writing a monthly report of the state of the district's finances, and shall pay school money only upon a warrant signed by the president, or in the president's absence by the vice president, and countersigned by the secretary. The treasurer shall also perform such other duties as designated by the board of education. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the treasurer shall give bond, payable to the board, ~~of education~~ in such amount as may be required by the board, ~~of education,~~ but in no event less than two hundred thousand dollars, conditioned for the faithful discharge of his or her duties as treasurer of the school district, for the safekeeping and proper disbursement of all funds and money of the school district ~~collected or~~ received by the treasurer. ~~him or her, and for all taxes not collected whenever such taxes or assessments remain uncollected by him or her by reason of any neglect of duty, want of diligence, or failure on his or her part to comply with the law relating to the collection thereof.~~ Such bond shall be signed by one or more surety companies of recognized responsibility, to be approved by the board. ~~of education.~~ The cost of the bond shall be paid by the school district. Such bond may be enlarged at any time the board ~~of education~~ may deem an enlargement or additional bond necessary.

Sec. 10. Section 79-1005, Reissue Revised Statutes of Nebraska, is amended to read:

79-1005. All accounts shall be audited by the secretary and approved by a committee to be styled the committee on claims. No expenditures greater than one thousand dollars shall be voted by the board, except in accordance with the provisions of a written

contract, nor shall any money be appropriated out of the school fund except on a recorded affirmative vote of a majority of all the members of the board. All money belonging to the school district, in the hands of the county treasurer ~~as ex officio treasurer of the school district,~~ shall be accounted for and disbursed directly to the board of education in accordance with section 23-1601.

Sec. 11. Section 79-1040, Revised Statutes Supplement, 1995, is amended to read:

79-1040. The treasurer of the ~~county in which the~~ school district ~~is located~~ shall be ex officio treasurer of the system. The treasurer shall act as official custodian of the cash and securities belonging to the system, shall provide adequate safe deposit facilities for the preservation of such securities, and shall hold such cash and securities subject to the order of the board of education. The treasurer shall receive all items of taxes or cash belonging to the system, shall deposit in banks approved by the board of education all such amounts in a trust account secured by collateral in accordance with the depository law, and shall submit a monthly report to the board of all such transactions. Notwithstanding any limitations elsewhere imposed by statute on the location of the system's depository bank, such limitations shall not apply to the use of a depository bank for the custody of international investments or other investments which require the use of a designated depository institution. The treasurer shall make payments for purposes specified in sections 79-1032 to 79-1060 upon warrants issued according to law by the board of education designated Retirement Fund, (corporate name of the school district as described in section 79-401), and signed by the president and secretary of the board of education. All banks and custodians which receive and hold securities and investments for the system may hold and evidence such securities by book entry account rather than obtaining and retaining the original certificate, indenture, or governing instrument for such security. Before entering into the discharge of his or her duties and during the entire time he or she so serves, the ~~The~~ treasurer shall furnish a corporate surety bond payable to the school district and acceptable to the board in such amount as the board shall designate. The bond shall be in addition to his or her bond as treasurer ~~ex officio~~ of the school district and the cost of the bond shall be paid by the school district.

Sec. 13. Sections 1, 2, 8 to 11, and 15 of this act become operative September 1, 1996. The other sections of this act become operative on their effective date.

Sec. 15. Original sections 14-554, 79-1004, and 79-1005, Reissue Revised Statutes of Nebraska, and sections 23-1601 and 79-1040, Revised Statutes Supplement, 1995, and section 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by section 345, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 360. Introduced by Hartnett, 45; Maurstad, 30.

PURPOSE: The studies of property tax reduction issues conducted by various legislative committees during the 1995 interim and the legislation introduced in the 1996 session as the result of those studies have pointed out the need for more reliable information on the uses of property tax revenue by political subdivisions. It is important for policymakers to have reliable data on the amount of property tax revenue which is devoted to principal and interest payments from bond issues by local political subdivisions and to know how that amount relates to total property tax burdens.

But even more important is the issue of public accountability: To develop means to insure that the public knows how much of each property tax dollar paid to each political subdivision is used for bond financing and how much goes to general operations.

This study will investigate the feasibility of developing a new format or a new form for property tax statements to provide individual taxpayers with information on the amount of the property tax levy from each political subdivision which is to be used for bond principal and interest payments. This study will investigate the cost of changes proposed, whether those costs were justified by the value of the information provided, and alternative methods which might distribute the information reliably at a lesser cost. This study will also seek to determine the extent of public support for providing such information.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 361. Introduced by Witek, 31; Wehrbein, 2.

PURPOSE: To examine the use and cost of compensatory time by state government in Nebraska. This study shall review state laws and agency rules, regulations, and practices in this area. In the review of agency practices relating to compensatory time, this study shall include, but not be limited to, an analysis of how compensatory time is

administered, how compensatory time is used and by whom, and what economic and noneconomic costs and benefits result from such practices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 645A, 847A, and 1218A.

Enrollment and Review Change to LB 1218A

The following changes, required to be reported for publication in the Journal, have been made:
ER9144

1. On page 1, line 4, "state intent; to" has been inserted after "to".

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1114. Mr. Warner renewed his pending amendment, AM3854, found in the Journal on page 1323, to the Standing Committee amendment.

Messrs. Landis, Will, Hilgert, Brashear, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM3965, found in the Journal on page 1377, to the Standing Committee amendment.

MR. BERNARD-STEVENS PRESIDING

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, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM3998

(Amendments to Standing Committee amendments, AM3657)

1. On page 1, line 6, strike "School" and insert "If prior to July 1, 1999, the Legislature has enacted legislation to increase the tax rate or expand the tax base and uses at least one hundred fifty million dollars of the resulting revenue as additional funding for the Tax Equity and Educational Opportunities Fund, school".

Messrs. Robinson, Cudaback, Wesely, Avery, Mmes. Witek, and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bernard-Stevens	Chambers	Klein	Preister	Schimek
Beutler	Dierks	Landis	Schellpeper	Schrock
	Hilgert			

Voting in the negative, 28:

Avery	Engel	Jensen	Pedersen	Warner
Bohlke	Fisher	Jones	Pirsch	Wehrbein
Bromm	Hartnett	Kristensen	Robak	Wickersham
Brown	Hillman	Lindsay	Schmitt	Witek
Coordsen	Hudkins	Lynch	Stuhr	Withem
Elmer	Janssen	Matzke		

Present and not voting, 2:

Maurstad	Vrtiska

Excused and not voting, 8:

Abboud	Crosby	McKenzie	Wesely	Will
Brashear	Cudaback	Robinson		

The Beutler amendment lost with 11 ayes, 28 nays, 2 present and not voting, and 8 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 362. Introduced by Coordsen, 32; Withem, 14.

PURPOSE: The purpose of this resolution is to study the management and associated costs of information technology in state agencies. The study shall include, but not be limited to, an examination of the historical and future role of Central Data Processing and the roles and missions of other governmental entities involved in information technology such as: The division of communications of the Department of Administrative Services, state agencies with internal data processing personnel or departments, and task forces and committees created to work on information technology issues. The study shall include, but not be limited to, the following information technology management issues:

1. Security;
2. Hardware and software purchases;
3. Contractual services within the private sector;
4. Personnel and staffing patterns;
5. Accounting;
6. Coordination of network services;
7. Efficiency of application design process;
8. Efficiency of the hardware and software maintenance process;
9. Policies and procedures developed to fulfill statutory provisions; and
10. Effectiveness of the planning process.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Hudkins, 21.

PURPOSE: To study the feasibility of using the right-of-way of state highways for the limited purpose of providing a connection between trails systems of this state for use by operators of snowmobiles to travel from one trails system to another trails system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENTS - Print in Journal

Messrs. Withem and Warner filed the following amendment to LB 299: AM4018

(Amendments to Standing Committee amendments, AM3654)

1. Strike sections 10 to 14 and insert the following new sections:

"Sec. 10. Section 79-101.01, Reissue Revised Statutes of Nebraska, is amended to read:

79-101.01. (1) For purposes of statutes governing schools:

(a) Affiliated school system shall mean the high school district and the Class I districts or portions of Class I districts affiliated with such high school district;

(b) Affiliation or affiliation of school districts shall mean an ongoing association of a Class I district or portion thereof not a part of a Class VI district with one or more existing Class II, III, IV, or V districts for the purpose of (i) providing a high school program serving the Class I district students and (ii) maintaining tax support to finance such program. The services provided may include student transportation; and

(c) Class VI school system shall mean a Class VI school district and each Class I school district or portion thereof which is part of the Class VI district.

(2) Beginning January 1, 1992, any school district boundaries changed by the means provided by Nebraska law, including the methods provided by sections 79-102.01, 79-102.02, 79-402, 79-402.03 to 79-402.10, 79-402.17, 79-402.19, 79-402.20, 79-403 to 79-403.03, 79-406, 79-407, 79-408, 79-408.01 to 79-408.03, 79-409, 79-420, 79-421, 79-426.01 to 79-426.19, 79-426.23 to 79-426.26,

79-426.28, 79-480 to 79-482, 79-486, 79-512, 79-533, 79-603, 79-701, 79-1107, and 79-1108 but excluding the method provided by sections 79-801 to 79-810.01, shall be made only upon an order issued by the county superintendent. If the boundaries so changed are in more than one county, such order shall be issued jointly by the county superintendents of all counties involved. The order shall be certified to the county clerk of each county in which boundaries are changed and shall also be certified to the State Department of Education. Such order shall be issued no later than June 1 and shall have an effective date no later than August 1 of the same year. For purposes of the school district boundary map provided by the county superintendent pursuant to section 23-3306, determining school district counts pursuant to section 79-458, and calculating state aid allocations pursuant to the Tax Equity and Educational Opportunities Support Act, any change in school district boundaries with an effective date between June 1 and August 1 of any year shall be considered effective June 1 of such year.

(3) Unless otherwise provided by state law or by the terms of an affiliation or reorganization plan or petition which is consistent with state law, all assets, including budget authority as provided in sections 79-3814 to 79-3821 or sections 1 to 5 of this act, and liabilities, except bonded obligations, of school districts merged, dissolved, or annexed shall be transferred to the receiving district or districts on the basis of the proportionate share of assessed valuation received at the time of reorganization. When a Class II, III, IV, or V school district becomes a Class I school district:

(a) Which becomes part of a Class VI district which offers instruction in grades seven through twelve, 44.8276 percent of the Class II, III, IV, or V district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district; or

(b) Which is affiliated or becomes part of a Class VI district which offers instruction in grades nine through twelve, 61.3793 percent of the Class II, III, IV, or V school district's assets and liabilities shall be transferred to the new Class I district and the remainder shall be transferred to the Class VI district or districts of which the Class I district becomes a part and to the high school district or districts with which the Class I district is affiliated on the basis of the proportionate share of assessed valuation each high school district received at the time of such change in class of district.

Sec. 11. Section 79-451, Reissue Revised Statutes of Nebraska, is amended to read:

79-451. The secretary shall:

(1) On or before July 20 in all classes of school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath showing the number of children from birth through twenty years of age belonging to the school district according to the census taken as provided in section 79-458. The report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report children from birth through eleven years of age and (b) in grades kindergarten through eight shall report children from birth through thirteen years of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report children who are twelve through twenty years of age and (ii) in grades nine through twelve children who are fourteen through twenty years of age. Each Class I district which has affiliated in whole or in part shall report children from birth through thirteen years of age. Each Class I district which is not in whole or in part a part of a Class VI district and which has not affiliated in whole or in part shall report children from birth through twenty years of age. Each Class II, III, IV, or V district shall report children who are fourteen through twenty years of age residing in Class I districts or portions thereof which have affiliated with such district. The school board of any district neglecting to take and make return of the enumeration shall be liable to the school district for all school money which such district may lose by such neglect;

(2) On or before July 15 in all school districts, deliver to the county superintendent, to be filed in his or her office, a report under oath described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age and also the number twenty-one years of age and older, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher, and (d) such other information as the Commissioner of Education directs;

(3) On or before October 15 in Class I school districts, submit to the county superintendent, to be filed in his or her office, and on or before November 1 in Class II, III, IV, V, and VI school districts, submit to the county superintendent and to the Commissioner of Education, to be filed in their offices, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as shall be necessary to fulfill the requirements of sections 79-3304 and 79-3803 to 79-3821 or sections 1 to 5 of this act, and (e) such other information as the Commissioner of Education directs; and

(4) On or before October 15 of each year, deliver to the county superintendent and to the State Department of Education the fall school district membership report, which report shall include the number of children from birth through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students by grade level and classification, including, but not limited to, option students, wards of the court, or contract students, (b) school district levies for the current fiscal year, and (c) total assessed valuation for the current fiscal year. When any school district fails to submit its fall school district membership report by November 1, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of such report. The county treasurer shall withhold such money.

Sec. 12. Section 79-1567, Reissue Revised Statutes of Nebraska, is amended to read:

79-1567. Any expenditure made by a school district pursuant to sections 79-1522.01, 79-1545, and 79-1549 as changed by Laws 1993, LB 292, and section 79-1551 shall be considered a general fund expenditure of the district and shall not be exempt from the growth limitations placed on district spending by the Tax Equity and Educational Opportunities Support Act <u>or the requirements of sections 1 to 5 of this act</u>.

Sec. 13. Section 79-3803, Revised Statutes Supplement, 1995, is amended to read:

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. For the calculation of state aid to be paid in school year 1994-95 and each school year thereafter, adjusted valuation shall mean the adjusted valuation for the property tax year ending during the school year in which the aid based upon that value is to be paid. 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) Base fiscal year shall mean the first fiscal year in which all data sources reflect the reorganized district as a single district for the calculation of state aid;

(6) Board shall mean the school board or board of education of each school district;

(7) 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;

(8) Consolidate shall mean to voluntarily reduce the number of school districts providing education to a grade group;

(9) Current school year shall mean the current school fiscal year;

(10) Department shall mean the State Department of Education;

(11) 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;

(12) Ensuing school year shall mean the school year following the current school year;

(13) Equalization aid shall mean the amount of assistance paid to a district pursuant to sections 79-3806 to 79-3813;

(14) Fall membership shall mean the total membership in grades kindergarten through twelve as reported on the fall school district membership report pursuant to section 79-451;

(15) Fiscal year shall mean the state fiscal year which is the period from July 1 to the following June 30;

(16) Formula students shall mean (a) for purposes of state aid paid in school year 1993-94, the sum of average daily membership and tuitioned resident students from the most recently available complete data year and (b) for purposes of calculation of state aid for school year 1994-95 and each school year thereafter (i) for state aid certified pursuant to section 79-3813, the sum of fall membership and tuitioned resident students from the school year immediately preceding the school year in which the aid is to be paid and (ii) for final calculation of state aid pursuant to section 79-1369, the sum of average daily membership and tuitioned resident students from the school year immediately preceding the school year in which the aid was paid;

(17) Full-day kindergarten shall mean kindergarten

offered by a district for at least one thousand thirty-two instructional hours;

(18) 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 or sections 1 to 5 of this act, 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;

(19) General fund expenditures shall mean all expenditures from the general fund;

(20) 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;

(21) 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;

(22) 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;

(23) 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;

(24) Reorganized district shall mean any district involved in a consolidation and currently educating students following consolidation;

(25) State aid shall mean the amount of assistance paid to a district pursuant to sections 79-3804 and 79-3806 to 79-3813;

(26) State board shall mean the State Board of Education;

(27) 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

(28) 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. 14. Section 79-3814, Revised Statutes Supplement, 1995, is amended to read:

79-3814. (1) Except as provided in subsection (2) of this section, for fiscal years beginning on or after July 1, 1998, no district shall increase its general fund budget of expenditures more than the applicable allowable growth percentage. The

Legislature shall annually establish an allowable growth range which shall be expressed as basic allowable growth rates plus a specified number of percentage points. The Legislature shall set the basic allowable growth rates based on projections of available state revenue and the cost of living and cost of education from nationally accepted cost indexes which shall be provided by the Nebraska Economic Forecasting Advisory Board, the Legislative Fiscal Analyst, the Department of Revenue, and the State Department of Education.

(2) Notwithstanding any of the provisions of subsection (1) of this section and sections 79-3815 to 79-3821, for fiscal years beginning on or after July 1, 1998, the general fund budget of expenditures of each district shall not exceed the general fund budget of expenditures adopted for the immediately preceding school fiscal year unless a district, pursuant to the procedures and requirements specified in subsection (1) of section 79-3820, by an affirmative vote of seventy-five percent of the school board, votes to exceed such limitation, in which case the budget limitations and all other provisions of subsection (1) of this section and sections 79-3815 to 79-3821 shall apply.

Sec. 15. Section 79-3815, Reissue Revised Statutes of Nebraska, is amended to read:

79-3815. (1) The department may require each district to submit to the department a duplicate copy of such portions of the district's budget statement as the Commissioner of Education directs. The department may verify any data used to meet the requirements of the Tax Equity and Educational Opportunities Support Act. The Auditor of Public Accounts shall make necessary changes in the budget documents for districts to effectuate the budget limitations imposed pursuant to sections 79-3814 to 79-3821 or sections 1 to 5 of this act.

(2) If a school district fails to submit to the department or the auditor the budget documents required pursuant to subsection (1) of this section by the date established in section 13-508 or fails to make any corrections of errors in the documents pursuant to section 13-504, the commissioner, upon notification from the auditor or upon his or her own knowledge that the required budget documents and any required corrections of errors from any school district have not been properly filed in accordance with the Nebraska Budget Act and after notice to the district and an opportunity to be heard, shall direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the required budget documents or corrections of errors are received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of the required budget documents or corrections of errors. The county treasurer shall withhold such

money.

Sec. 16. Section 79-3816, Revised Statutes Supplement, 1995, is amended to read:

79-3816. ~~The~~ For fiscal years beginning on or after July 1, 1998, the basic allowable growth rate for general fund expenditures other than expenditures for special education shall be three percent and the allowable growth range shall be from three percent to five and one-half percent. The budget authority for special education shall be the actual anticipated expenditures for special education subject to the approval of the state board. Such budget authority shall be used only for special education expenditures.".

2. On page 1, line 5, after the first "funds" insert ", except that expenditures in support of special education and related services shall not be included as budgeted requirements".

3. On page 2, line 6, strike "water or" and insert ", water," and after "sewer" insert ", hospital, or nursing home"; and in line 26 after the period insert "A governmental unit may exceed the budget limit for a fiscal year by an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.".

4. On page 3, line 18, strike "or"; in line 21 before the period insert ", or (5) expenditures in support of special education and related services"; and in line 24 after the period insert "Any unused budget authority exiting on the effective date of this act by reason of any prior law may be used for increases in budgeted requirements.".

5. In the Warner amendment, AM3863, on page 2, line 6, after "85-1537" insert ", but does not include funds provided to school districts in support of special education and related services".

6. On page 7, line 4, after "act" insert "or sections 79-3814 to 79-3821".

7. On page 23, strike beginning with "79-3817" in line 14 through "sections" in line 15; and strike line 17 and insert "77-3438.02, and 77-3439, Revised".

8. Renumber the remaining sections and correct the repealer accordingly.

Mr. Maurstad filed the following amendment to LB 299:
AM3993

(Amendments to Standing Committee amendments, AM3654)

1. Strike original sections 1 to 4 and all amendments thereto and insert the following new sections:

"Section 1. For purposes of sections 1 to 5 of this act:

(1) Governing body has the same meaning as in section 13-503;

(2) Governmental unit means every political subdivision which has authority to levy a property tax except sanitary and

improvement districts which have been in existence for five years or less;

(3) Population growth means (a) for governmental units other than school districts and community colleges, the percentage increase or decrease in inhabitants in the governmental unit since the beginning of the prior fiscal year, (b) for school districts, the percentage increase or decrease in average daily membership in the school district since the beginning of the prior school year, and (c) for community colleges, the percentage increase or decrease in full-time equivalent students since the beginning of the prior fiscal year. A governmental unit may use federal census numbers from the most recent federal decennial census or the most recent federal census update or recount or numbers calculated using a method similar to the method described in sections 18-1753 and 18-1754 for determining population growth;

(4) Restricted funds means (a) property taxes, excluding any amounts required to pay interest and principal on bonded indebtedness and any amounts refunded to taxpayers, (b) payments in lieu of taxes, (c) state aid, and (d) fees other than fees for enterprise functions such as electric, water, sewer, or hospital services, except that any portion of such fees which is budgeted to be used for general purposes not in connection with the enterprise function shall be considered restricted funds; and

(5) State aid means:

(a) For municipalities, state aid to municipalities paid pursuant to section 77-27,136 and insurance premium tax paid to municipalities;

(b) For counties, state aid to counties paid pursuant to section 77-27,136 and insurance premium tax paid to counties;

(c) For school districts, state aid paid to schools under the Tax Equity and Educational Opportunities Support Act and insurance premium tax paid to schools, but not state aid paid for special education;

(d) For community colleges, state aid paid to community colleges under sections 85-1536 and 85-1537; and

(e) For natural resources districts, state aid to natural resources districts paid pursuant to section 77-27,136.

Sec. 2. For fiscal years beginning on or after July 1, 1996, and before July 1, 1997, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus three percent. For fiscal years beginning on or after July 1, 1997, and before July 1, 1998, no governmental unit shall adopt a budget containing a total of restricted funds more than the total of restricted funds contained in the last prior year's budget plus the applicable dollar amount allowed for population growth plus one percent. If a governmental unit transfers the financial responsibility of providing a service financed in whole or in part

with restricted funds to another governmental unit or the state, the amount of restricted funds associated with providing the service shall be subtracted from the last prior year's total of restricted funds for the old provider and and the new provider may elect to add in whole or in part the same amount to the new provider's last prior year's total of restricted funds. For governmental units that have annexed property or have consolidated, the calculations made under this section for the annexing unit or consolidating units shall be made based on the combined total of restricted funds, population, average daily membership, or full-time equivalent students of each governmental unit or a portion thereof.

Sec. 3. The limitation in section 2 of this act shall not apply to (1) the budget for capital improvements financed by bonded indebtedness, appropriations from a sinking fund, or any other means, (2) the budget to support a service which becomes the subject of an interlocal cooperation agreement whether operated by one of the parties to the agreement or an independent joint entity for two fiscal years beginning with the first budget adopted after the agreement is signed, (3) amounts budgeted to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Nebraska Disaster and Civil Defense Act of 1973, or (4) amounts budgeted for special education.

Sec. 4. A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law.".

2. On page 4, lines 5 and 6, strike "budget" and insert "restricted funds".

GENERAL FILE

LEGISLATIVE BILL 1114. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM3878

1. Insert the following new sections:

"Sec. 12. Section 2-2428, Reissue Revised Statutes of Nebraska, is amended to read:

2-2428. (1) Prior to January 1, 1997, weather ~~Weather~~ control districts may be formed in the manner, and having the power, provided in ~~sections 2-2428 to 2-2449~~ the Weather Control Act of Nebraska.

(2) On or after January 1, 1997, no new weather control districts shall be organized under the Weather Control Act of

Nebraska. Attempted formations of weather control districts under the Weather Control Act of Nebraska which have not been completed before January 1, 1997, shall be null, void, and of no effect for the purpose of organizing such district. All weather control districts having valid corporate existence before January 1, 1997, shall enjoy all rights, duties, powers, and authorities conferred by the Weather Control Act of Nebraska and shall not be affected by this section, nor shall the legality of formation, organization, or operation of any such district be subject to any legal action based on this section.

Sec. 56. Original section 2-2428, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 62, strike line 2 and insert "Sections 1 to 11, 13 to 54, 57, and 58 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.".

3. Renumber the remaining sections and correct internal references accordingly.

The Chair declared the call raised.

Messrs. Landis and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Beutler amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
AM4011

(Amendments to Standing Committee amendments, AM3657)

1. Insert the following new sections:

"Sec. 49. In addition to the income tax imposed pursuant to section 77-2701.01, there is imposed an additional tax of one percent on all unearned income in excess of ten thousand dollars. Unearned income means the income derived from interest, dividends, or sales of intangible assets which are not specifically exempt from income taxation under the Internal Revenue Code of 1986, as amended, or the other provisions of the Nebraska Revenue Act of 1967 relating to income tax.

The Tax Commissioner shall adopt and promulgate rules and regulations necessary for the administration, collection, and enforcement of the tax imposed by this section.

Sec. 50. Section 77-2701, Revised Statutes Supplement, 1995, is amended to read:

77-2701. Sections 77-2701 to 77-27,135.01 and section 49 of this act shall be known and may be cited as the Nebraska Revenue

Act of 1967.
Sec. 58. Original section 77-2701, Revised Statutes Supplement, 1995, is repealed.".
2. On page 62, line 2, strike "This act becomes" and insert "Sections 49, 50, and 58 and this section of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue code of 1986, as amended. The other sections of this act become".
3. Renumber the remaining sections accordingly.

Mrs. Witek 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 withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA569
Amend AM3657 as follows:
on lines 4 & 5 on page 3 strike the words "not including bonded indebtedness" and substitute therefore the following "provided, that such limitations shall not apply to property tax levies for bonded indebtedness approved according to the law and secured by a levy on property"

Mr. Beutler asked unanimous consent to replace his pending amendment, FA569, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, FA569, found in this day's Journal.

Mr. Beutler offered the following substitute amendment to the Standing Committee amendment:
AM4014
(Amendments to Standing Committee amendments, AM3657)
1. On page 3, lines 4 and 5, strike "not" through "indebtedness" and insert ", except that such limitation shall not apply to property tax levies for bonded indebtedness approved according to law and secured by a levy on property".

The Beutler amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM4005

(Amendments to Standing Committee amendments, AM3657)

1. Insert the following new sections:

"Sec. 14. Section 2-3211.01, Reissue Revised Statutes of Nebraska, is amended to read:

2-3211.01. (1) Each new natural resources district established by merging two or more natural resources districts in their entirety shall assume all assets, liabilities, and obligations of such merged districts on the effective date of the merger.

(2) Whenever a change of boundaries, division of one district into two or more new districts, or division and merger of one district into two or more existing districts takes place, the commission shall determine the apportionment of any assets, liabilities, and obligations. Such apportionment shall be based on all relevant factors including, but not limited to, the proportionate land areas involved in the change, division, or merger and the extent to which particular assets, liabilities, or obligations are related to specific land areas. Interests in real estate and improvements to real estate shall be assumed by the district in which they are located on the effective date of the change, division, or merger. The value of such interests in real estate and improvements shall be considered in the apportionment, and any such assets may be encumbered or otherwise liquidated by the assuming district to effect the proper apportionment.

(3) All taxes levied pursuant to section 2-3225~~, 46-673, or 46-674.19~~ and all assessments levied pursuant to sections 2-3254 to 2-3254.06 prior to the change of boundaries, division, or merger shall be apportioned by the commission on the basis of the relationship between the intended uses of such taxes or assessments and the land areas involved in the change, division, or merger. Taxes or assessments levied pursuant to sections 2-3254 to 2-3254.06~~, 46-673, and 46-674.19~~ which are in the possession of or payable to a district at the time of the change, division, or merger and taxes or assessments in the possession of or payable to any other special-purpose district merged into a natural resources district shall be put into a special fund by the district receiving such assets and shall be expended as nearly as practicable for the purposes for which they were levied or assessed.

Sec. 15. Section 2-3225, Revised Statutes Supplement, 1994, is amended to read:

2-3225. Each district shall have the power and authority to levy a tax of not to exceed four and one-half cents on each one hundred dollars of taxable valuation annually on all of the taxable property within such district unless a higher levy is authorized by ~~a majority vote of those voting on the issue at a regular election on a referendum question submitted by resolution of the board of directors and certified to the Secretary of State on or before September 10 of the election year~~ section 3 of this act. The proceeds of such tax shall be used, together with any other funds

which the district may receive from any source, for the operation of the district. When adopted by the board, the levy shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.".

2. On page 62, line 3, after the last comma insert "2-3211.01,"; in line 7 after the sixth comma insert "2-3225,"; and in line 14 strike "and" and after the last comma insert "46-673, and 46-674.19,".

3. Renumber the remaining sections and correct internal references accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Janssen and Bromm offered the following amendment to the Standing Committee amendment:
AM4013

(Amendments to Standing Committee amendments, AM3657)

1. On page 1, line 11, after the period insert "Excluded from this limitation are amounts levied to pay for judgments obtained against the district which require or obligate the district to pay such judgment, to pay for any lump-sum payments which are required to be paid to certificated employees under their early retirement pension benefit plans, and to pay for special sinking funds established for projects commenced or contracts entered into prior to July 19, 1996, for construction, expansion, or alteration of school district buildings.".

MR. WILL PRESIDING

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Messrs. Janssen and Bromm withdrew their amendment.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
AM3995

(Amendments to Standing Committee amendments, AM3657)

1. Insert the following new section:

"Sec. 14. Section 3-504, Revised Statutes Supplement, 1994, is amended to read:

3-504. Any authority established under the Cities Airport Authorities Act shall have power:

(1) To sue and be sued;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, hold, and dispose of personal property for its corporate purposes;

(4) To acquire in the name of the city, by purchase or condemnation, real property or rights or easements therein necessary or convenient for its corporate purposes and, except (a) as may otherwise be provided in the act and (b) that if property is to be acquired outside the zoning jurisdiction of the city when such city is a city of the metropolitan class, approval must be obtained from the county board of the county where the property is located before the right of eminent domain may be exercised, to use the same so long as its corporate existence continues. Such power shall not be exercised by authorities of cities of the primary, first, and second classes and of villages created after September 2, 1973, without further approval until such time as at least three members of the authority have been elected. If the exercise of such power is necessary while three or more appointed members remain on the authority of cities of the primary, first, and second classes and of villages, the appointing body shall approve all proceedings under this subdivision;

(5) To make bylaws for the management and regulation of its affairs and, subject to agreements with bondholders, to make rules and regulations for the use of projects and the establishment and collection of rentals, fees, and all other charges for services or commodities sold, furnished, or supplied by such authority. Any person violating such rules shall be guilty of a Class III misdemeanor;

(6) With the consent of the city, to use the services of agents, employees, and facilities of the city, for which the authority may reimburse the city a proper proportion of the compensation or cost thereof, and also to use the services of the city attorney as legal advisor to the authority;

(7) To appoint officers, agents, and employees and fix their compensation;

(8) To make contracts, leases, and all other instruments necessary or convenient to the corporate purposes of the authority;

(9) To design, construct, maintain, operate, improve, and reconstruct, so long as its corporate existence continues, such projects as are necessary and convenient to the maintenance and development of aviation services to and for the city in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers, and all facilities necessary or convenient in connection with any such project, to contract for the construction, operation, or maintenance of any parts thereof or for services to be performed thereon, and to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine;

(10) To include in such project, subject to zoning

restrictions, space and facilities for any or all of the following: Public recreation; business, trade, or other exhibitions; sporting or athletic events; public meetings; conventions; and all other kinds of assemblages and, in order to obtain additional revenue, space and facilities for business and commercial purposes. Whenever the authority deems it to be in the public interest, the authority may lease any such project or any part or parts thereof or contract for the management and operation thereof or any part or parts thereof. Any such lease or contract may be for such period of years as the authority shall determine;

(11) To charge fees, rentals, and other charges for the use of projects under the jurisdiction of such authority subject to and in accordance with such agreement with bondholders as may be made as hereinafter provided. Subject to contracts with bondholders, all fees, rentals, charges, and other revenue derived from any project shall be applied to the payment of operating, administration, and other necessary expenses of the authority properly chargeable to such project and to the payment of the interest on and principal of bonds or for making sinking-fund payments therefor. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise with respect to revenue, expenses, the issuance of bonds, maintenance, operation, or other purposes;

(12) To certify annually to the governing body of the city or the county board the amount of tax to be levied for airport purposes which the authority requires under its adopted budget statement to be received from taxation, not to exceed three and five-tenths cents on each one hundred dollars of taxable valuation of all the taxable property in such city or county. The governing body or county board shall levy and collect the taxes so certified at the same time and in the same manner as other ~~city~~ taxes are levied and collected, and the proceeds of such taxes when due and as collected shall be set aside and deposited in the special account or accounts in which other revenue of the authority is deposited. An authority in a city of the first or second class or a village shall have power to certify annually to the governing body of such a city or village or the county board an additional amount of tax to be levied for airport purposes, not to exceed three and five-tenths cents on each one hundred dollars of taxable value, to be levied, collected, set aside, and deposited as specified in this subdivision, and if negotiable bonds of the authority are thereafter issued, this power shall continue until such bonds are paid in full. When such additional amount of tax is first certified, the governing body or county board may then require, but not thereafter, approval of the same by a majority vote of the governing body or by a majority vote of the electors voting on the same at a general or special election. The provisions of this subdivision shall not apply to cities of the metropolitan class. An authority may adopt a resolution requesting

that the county board include the tax levy in the county budget;

(13) To construct and maintain under, along, over, or across a project, telephone, telegraph, or electric wires and cables, fuel lines, gas mains, water mains, and other mechanical equipment not inconsistent with the appropriate use of such project, to contract for such construction and to lease the right to construct and use the same, or to use the same on such terms for such periods of time and for such consideration as the authority shall determine;

(14) To accept grants, loans, or contributions from the United States, the State of Nebraska, any agency or instrumentality of either of them, or the city in which such authority is established and to expend the proceeds thereof for any corporate purposes;

(15) To incur debt and issue negotiable bonds and to provide for the rights of the holders thereof;

(16) To enter on any lands, waters, and premises for the purposes of making surveys, soundings, and examinations; and

(17) To do all things necessary or convenient to carry out the powers expressly conferred on such authorities by the act.".

2. On page 16, line 16, after "board" insert "or governing body of the city"; in line 20 after "county" insert "or city" and after "board" insert "or governing body"; and in line 25 after "deposited" insert ". An authority may adopt a resolution requesting that the governing body of a city include the tax levy in the city budget".

3. Renumber the remaining sections and correct the repealer accordingly.

The Bernard-Stevens amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Bernard-Stevens offered the following amendment to the Standing Committee amendment:
FA570
Amend (AM3657)
on page one line 16 add; "As of July 1, 2002; the community colleges shall be totally funded by the State of Nebraska.

Messrs. Chambers and Janssen asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 681:
AM4015

1. Insert the following new sections:

"Sec. 187. Section 21-2631, Revised Statutes Supplement, 1994, is amended to read:

21-2631. Each member, manager, employee, or agent of a limited liability company organized under the Limited Liability Company Act who renders professional services shall hold a valid license or otherwise be duly authorized to render those professional services under the law of this state if he or she renders professional services within this state or under the law of the state, territory, or other jurisdiction in which he or she renders those professional services. Before rendering professional services, the limited liability company shall (1)(a) file with the Secretary of State a registration certificate issued to the limited liability company by the regulatory body of the particular profession for which the limited liability company is organized to do business, which certificate sets forth the name and residence address of every member as of the last day of the month preceding the filing, and ~~(2)~~ (b) certify that all members, managers, and professional employees who are required by law to do so are duly licensed or otherwise authorized to perform the professional services for which the limited liability company is organized or (2) comply with and qualify under the procedures set forth in subsection (2) of section 21-2631.01.

Sec. 188. Section 21-2631.01, Revised Statutes Supplement, 1994, is amended to read:

21-2631.01. (1) An application for issuance of a registration certificate shall be made by the limited liability company to the regulatory body in writing and shall contain the names of all members, managers, and professional employees of the limited liability company, the street address at which the applicant proposes to perform professional services, and such other information as may be required by the regulatory body. If it appears to the regulatory body that each member, manager, and professional employee of the applicant required by law to be licensed is licensed or otherwise authorized to practice the profession of the applicant and that each member, manager, or professional employee required by law to be licensed is not otherwise disqualified from performing the professional services of the applicant, such regulatory body shall certify in duplicate upon a form bearing its date of issuance and prescribed by such regulatory body that the proposed or existing limited liability company complies with the provisions of the Limited Liability Company Act and of the applicable rules and regulations of the regulatory body. Each applicant for such registration certificate shall pay the regulatory body a fee of twenty-five dollars for the issuance of the certificate.

One copy of such certificate shall be prominently displayed to public view upon the premises of the principal place of business of the limited liability company, and one copy shall be

filed with the Secretary of State who shall charge a fee of twenty-five dollars for filing the same. The certificate shall be filed in the office of the Secretary of State with the articles of organization. A registration certificate bearing an issuance date more than twelve months old shall not be eligible for filing with the Secretary of State.

(2) When licensing records of regulating boards are electronically accessible to the Secretary of State, the Secretary of State shall access the records. The access of the records shall be made in lieu of the certificate of registration or registration certificate being prepared and issued by the regulating board. The limited liability company shall file with the Secretary of State an application setting forth the names of all members, managers, and professional employees of such limited liability company who are required by law to be licensed or otherwise authorized to practice the professional services for which the limited liability company is organized as of the last day of the month preceding the date of application and shall file with the Secretary of State an annual update thereafter. The application shall be completed on a form prescribed by the Secretary of State and shall contain such other information as the Secretary of State may require. The application shall be accompanied by a license verification fee of fifty dollars.

The Secretary of State shall verify that all members, managers, and professional employees who are required by law to do so are duly licensed or otherwise legally authorized to render the same professional service or ancillary service as those which the limited liability company renders through electronic accessing of the regulating board's records. If any member, manager, or professional employee is not licensed or otherwise legally authorized to perform the professional service that the limited liability company was organized to render, the limited liability company shall be suspended. The suspension shall remain in effect until the limited liability company attests in writing that all members, managers, or professional employees are duly licensed or otherwise legally authorized to render the appropriate service and that information is verified by the Secretary of State or all unlicensed or unauthorized members, managers, or professional employees are no longer members, managers, or professional employees of the limited liability company.

Sec. 189. Section 21-2631.02, Revised Statutes Supplement, 1994, is amended to read:

21-2631.02. Each registration certificate issued to a limited liability company pursuant to section 21-2631.01 shall expire by its own terms one year from the date of issuance and may not be renewed. Each limited liability company shall annually apply (1) to its regulatory body for a registration certificate in the manner provided in ~~such section~~ subsection (1) of section 21-2631.01 or (2) to the Secretary of State pursuant to subsection

(2) of section 21-2631.01 if the records of the regulating body are electronically accessible to the Secretary of State. A certificate or application shall be filed annually with the Secretary of State within thirty days before the expiration date of the last certificate or application on file in the office of the Secretary of State or the limited liability company shall be suspended. Registration certificates shall not be transferable or assignable.

Sec. 190. Section 21-2631.03, Revised Statutes Supplement, 1994, is amended to read:

21-2631.03. A regulatory body may, upon a form prescribed by it, suspend or revoke any registration certificate issued to any limited liability company pursuant to subsection (1) of section 21-2631.01 upon the suspension or revocation of the license or other authorization to perform professional service of any member, manager, or professional employee of a holder of a certificate. Notice of such revocation shall be provided the limited liability company affected by sending by certified or registered mail a certified copy of such revocation to the limited liability company at its principal place of business set forth in the registration certificate so revoked. At the same time, the regulatory body shall forward by regular mail a certified copy of such revocation to the Secretary of State who shall remove the suspended or revoked registration certificate from his or her files and deliver it to the regulatory body.".

2. Amend the operative date and repealer sections so that sections 187 to 190 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner filed the following amendment to LB 1290:
AM4020

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

Messrs. Janssen and Bromm filed the following amendment to LB 299:
AM4023

(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 6. The Task Force on Unfunded Mandates is created. The task force shall consist of:

(1) The chairperson of the Executive Board of the Legislative Council;

(2) The chairperson of the Education Committee of the Legislature;

(3) The chairperson of the Revenue Committee of the Legislature;

(4) The chairperson of the Government, Military and

Veterans Affairs Committee of the Legislature;

(5) The chairperson of the Health and Human Services Committee of the Legislature;

(6) The chairperson of the Urban Affairs Committee of the Legislature; and

(7) Three representatives of political subdivisions selected by the members listed in subdivision (1) through (6) of this section.

The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The task force shall identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services. The task force shall provide a written report to the members of the Legislature by December 1, 1996, which shall include recommendations for any changes to state law which shall either modify or repeal all identified programs and services with the intent of reducing the fiscal impact of the programs and services on the political subdivision or eliminating the programs and services entirely. The task force shall seek recommendations and proposals from groups and individuals.

The task force terminates on December 31, 1996.".

2. Renumber the remaining sections accordingly.

MOTION - Adjournment

Mrs. Robak moved to adjourn until 9:00 a.m., Friday, March 22, 1996. The motion lost with 9 ayes, 19 nays, 13 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1114. The Bernard-Stevens pending amendment, FA570, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Bernard-Stevens withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

Mr. Will withdrew his amendment, AM3503, found in the Journal on page 1070.

Mr. Vrtiska withdrew his amendment, AM3952, found in the Journal on page 1365.

Mr. Vrtiska renewed his pending amendment, AM3955, found in the Journal on page 1366.

Mr. Vrtiska withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 1155:
AM4024

(Amendments to E & R amendments, AM7236)

1. Insert the following new sections:

"Sec. 15. Section 46-1201, Revised Statutes Supplement, 1994, is amended to read:

46-1201. Sections 46-1201 to 46-1241 and section 17 of this act shall be known and may be cited as the Water Well Standards and Contractors' Licensing Act.

Sec. 16. Section 46-1203, Revised Statutes Supplement, 1994, is amended to read:

46-1203. For purposes of the Water Well Standards and Contractors' Licensing Act, unless the context otherwise requires, the definitions found in sections 46-1205 to 46-1216 and section 17 of this act shall be used.

Sec. 17. Person shall mean any: Individual; partnership; limited liability company; association; public or private corporation; trustee; receiver; assignee; agent; municipality or other governmental subdivision; public agency; other legal entity; or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

Sec. 18. Section 46-1233, Reissue Revised Statutes of Nebraska, is amended to read:

46-1233. ~~After October 1, 1986, no~~ No water well shall be constructed or pump or pumping equipment installed by a person ~~business~~ engaged in the construction of water wells or installation of pumps and pumping equipment unless the construction or installation is carried out or supervised by a licensed water well contractor, water well drilling supervisor, pump installation contractor, or pump installation supervisor. For purposes of this section, supervision shall mean the ready availability of the person licensed or certified pursuant to the Water Well Standards and Contractors' Licensing Act for consultation and direction of

the activities of any person not licensed or certified who assists in the construction of a water well or the installation of pump and pumping equipment. Contact with the licensed contractor or certified supervisor by telecommunication shall be sufficient to show ready availability.

Sec. 19. Section 46-1238, Reissue Revised Statutes of Nebraska, is amended to read:

46-1238. Any person who fails to employ or use at least one individual appropriately licensed or certified and available, in accordance with section 46-1233, or any person who engages, without a license or certificate for such activities, ~~(1)~~ in the construction of water wells, ~~(2) in~~ the installation of pumps and pumping equipment, or ~~(3) in~~ the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment, pumping systems, or chemigation regulation devices, ~~without first obtaining a license or certificate for such activities from the department as provided in the Water Well Standards and Contractors' Licensing Act or rules and regulations adopted and promulgated pursuant to the act,~~ in addition to the other penalties provided in the ~~act~~ Water Well Standards and Contractors' Licensing Act, may be enjoined from continuing such activities.

Sec. 20. Section 46-1239, Reissue Revised Statutes of Nebraska, is amended to read:

46-1239. Any person who fails to employ or use at least one individual appropriately licensed or certified and available, in accordance with section 46-1233, or any person ~~subject to licensure or certification under the Water Well Standards and Contractors' Licensing Act~~ who engages, without a license or certificate for such activities, in the construction of water wells or ~~in~~ the installation of pumps and pumping equipment ~~without first obtaining a license or certificate from the department as provided in the act or rules and regulations adopted and promulgated pursuant to the act shall be~~ is guilty of a Class II misdemeanor or subject to a civil penalty of not more than one thousand dollars for each day the violation occurs.

Sec. 21. Section 46-1240, Revised Statutes Supplement, 1994, is amended to read:

46-1240. Any person who engages in or any person who employs or uses a person who engages in ~~(1) in~~ the construction of water wells, ~~(2) in~~ the installation of pumps and pumping equipment, or ~~(3) in~~ the measuring of ground water levels, the collection of ground water samples from existing water wells, or the inspection of installed water well equipment, pumping systems, or chemigation regulation devices or who fails to decommission or decommissions an illegal water well without complying with the standards adopted and promulgated pursuant to the Water Well Standards and Contractors' Licensing Act shall be guilty of a Class III misdemeanor or subject to a civil penalty of not more than five

hundred dollars for each day an intentional violation occurs and may be enjoined from continuing such activity, including a mandatory injunction.

Any civil penalty assessed and unpaid shall constitute a debt to the state which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the district court of the county in which the violator resides or owns property. The department shall, within thirty days from receipt, remit the civil penalty to the State Treasurer for credit to the permanent school fund.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and repealer so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

VISITORS

Visitors to the Chamber were fourth grade students and sponsors from Tara Heights School, Papillion; 10 eighth grade students and teacher from Harrison; and Bob and Anne Binhammer from Omaha.

The Doctor of the Day was Leon Books from Broken Bow.

ADJOURNMENT

At 9:08 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Friday, March 22, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-EIGHTH DAY - MARCH 22, 1996

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 22, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 22, 1996

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. Brashear who was excused; and Messrs. Abboud, Bernard-Stevens, Hilgert, Landis, Lindsay, Matzke, Robinson, Wickersham, Will, Mmes. Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 21, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cutshall, Bruce A. - Lincoln	Carter-Wallace, Inc.
Mueller, William J./Ruth & Mueller Law Firm	
Mueller, William J. - Lincoln	Transystems, Inc.
Richard, Dwayne - Lincoln	Sears, Roebuck and Company
Ruth, Larry L./Ruth & Mueller Law Firm	
Ruth, Larry L. - Lincoln	Transystems, Inc.

Smith, Jeffry H. - Arapahoe	Arapahoe Telephone Company (Withdrawn 03/14/96) Curtis Telephone Company (Withdrawn 03/14/1996) Hunt Nebraska, Inc. (Withdrawn 03/15/1996)

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 335.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 906.

A BILL FOR AN ACT relating to laws; to amend sections 49-506 and 49-617, Revised Statutes Supplement, 1995; to require distribution of session laws to inmate libraries and the Tax Equalization and Review Commission; to require distribution of legislative journals and state statutes to the Tax Equalization and Review Commission; and to repeal the original sections.

Whereupon the 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:

Avery	Dierks	Janssen	Pedersen	Schrock
Beutler	Elmer	Jensen	Pirsch	Stuhr
Bohlke	Engel	Jones	Preister	Vrtiska
Bromm	Fisher	Klein	Robak	Wehrbein
Chambers	Hartnett	Kristensen	Schellpeper	Wesely
Coordsen	Hillman	Lynch	Schimek	Witek
Crosby	Hudkins	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Warner

Excused and not voting, 12:

Abboud	Brashear	Landis	McKenzie	Wickersham
Bernard-Stevens	Brown	Lindsay	Robinson	Will
	Hilgert	Matzke		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 938. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 60-4,138 and 60-4,149.01, Reissue Revised Statutes of Nebraska, section 60-4,146, Revised Statutes Supplement, 1994, and sections 75-363 and 75-364, Revised Statutes Supplement, 1995; to change provisions relating to commercial drivers' licenses; to adopt certain portions of the federal Motor Carrier Safety Regulations and updated federal Hazardous Material Regulations as Nebraska law; to change the applicability of the federal Motor Carrier Safety Regulations; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud	Dierks	Janssen	Maurstad	Schrock
Avery	Elmer	Jensen	Pedersen	Stuhr
Beutler	Engel	Jones	Pirsch	Vrtiska
Bohlke	Fisher	Klein	Preister	Wehrbein
Bromm	Hartnett	Kristensen	Schellpeper	Wesely
Chambers	Hilgert	Lynch	Schimek	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem
Crosby	Hudkins			

Voting in the negative, 0.

Present and not voting, 3:

Cudaback	Robak	Warner

Excused and not voting, 9:

Bernard-Stevens	Brashear	Landis	McKenzie	Wickersham
	Brown	Lindsay	Robinson	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 1041.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 57-719, 77-1777, 77-1780, and 77-27,118, Reissue Revised Statutes of Nebraska, sections 66-723 and 77-2794, Revised Statutes Supplement, 1994, and sections 77-2703 and 77-2708, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to tax liability of corporate officers and employees; to change refund procedures; to change provisions relating to sales tax collection; to change provisions relating to interest; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1783, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Cudaback	Hudkins	Pedersen	Schrock
Avery	Dierks	Janssen	Pirsch	Stuhr
Beutler	Elmer	Jones	Preister	Vrtiska
Bohlke	Engel	Klein	Robak	Wehrbein
Bromm	Fisher	Kristensen	Robinson	Wesely
Chambers	Hartnett	Lynch	Schellpeper	Will
Coordsen	Hilgert	Matzke	Schimek	Witek
Crosby	Hillman	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Jensen Warner

Excused and not voting, 7:

Bernard-Stevens	Brashear	Landis	McKenzie	Wickersham
	Brown	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1047. With Emergency.

A BILL FOR AN ACT relating to labor and employment; to amend section 48-724, Revised Statutes Supplement, 1995; to provide for fees; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Dierks	Jensen	Pedersen	Schrock
Avery	Elmer	Jones	Pirsch	Stuhr
Beutler	Engel	Klein	Preister	Vrtiska
Bohlke	Fisher	Kristensen	Robak	Wehrbein
Bromm	Hartnett	Lynch	Robinson	Wesely
Chambers	Hilgert	Matzke	Schellpeper	Will
Coordsen	Hillman	Maurstad	Schimek	Witek
Crosby	Hudkins	McKenzie	Schmitt	Withem
Cudaback	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Bernard-Stevens	Brashear	Landis	Lindsay	Wickersham
	Brown			

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 1048.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1056, Reissue Revised Statutes of Nebraska; to change provisions relating to procedure; 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	Dierks	Jensen	Pedersen	Schrock
Avery	Elmer	Jones	Pirsch	Stuhr
Beutler	Engel	Klein	Preister	Vrtiska
Bohlke	Fisher	Kristensen	Robak	Wehrbein
Bromm	Hartnett	Lynch	Robinson	Wesely
Chambers	Hilgert	Matzke	Schellpeper	Will
Coordsen	Hillman	Maurstad	Schimek	Witek
Crosby	Hudkins	McKenzie	Schmitt	Withem
Cudaback	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Bernard-Stevens	Brashear	Landis	Lindsay	Wickersham
	Brown			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1072. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-638, Reissue Revised Statutes of Nebraska, section 48-601, Revised Statutes Supplement, 1994, and section 48-621, Revised Statutes Supplement, 1995; to change provisions relating to income tax withholding from unemployment compensation and appeals to district court; to change the use of a fund; to provide powers and duties for the Department of Labor; 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, 42:

Abboud	Dierks	Jensen	Pedersen	Schrock
Avery	Elmer	Jones	Pirsch	Stuhr
Beutler	Engel	Klein	Preister	Vrtiska
Bohlke	Fisher	Kristensen	Robak	Wehrbein
Bromm	Hartnett	Lynch	Robinson	Wesely
Chambers	Hilgert	Matzke	Schellpeper	Will
Coordsen	Hillman	Maurstad	Schimek	Witek
Crosby	Hudkins	McKenzie	Schmitt	Withem
Cudaback	Janssen			

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 6:

Bernard-Stevens	Brashear	Landis	Lindsay	Wickersham
	Brown			

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 1073.

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, 1995; to change application requirements for an operator's license or a state identification card; and to repeal the original sections.

Whereupon the 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	Fisher	Jones	Pirsch	Schrock
Avery	Hartnett	Klein	Preister	Stuhr
Beutler	Hilgert	Kristensen	Robak	Vrtiska
Bohlke	Hillman	Lynch	Robinson	Wehrbein
Bromm	Hudkins	Maurstad	Schellpeper	Wesely
Crosby	Janssen	McKenzie	Schimek	Will
Dierks	Jensen	Pedersen	Schmitt	Witek
Elmer				

Voting in the negative, 1:

Cudaback

Present and not voting, 5:

Chambers	Coordsen	Engel	Matzke	Warner

Excused and not voting, 7:

Bernard-Stevens	Brashear	Landis	Wickersham	Withem
	Brown	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1122. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01 and 77-202.03, Revised Statutes Supplement, 1995; to change deadlines for filing applications and affidavits regarding property tax exemptions; 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	Cudaback	Hudkins	Pedersen	Schmitt
Avery	Dierks	Janssen	Pirsch	Schrock
Beutler	Elmer	Jones	Preister	Stuhr
Bohlke	Engel	Klein	Robak	Wehrbein
Bromm	Fisher	Kristensen	Robinson	Wesely
Chambers	Hartnett	Lynch	Schellpeper	Will
Coordsen	Hilgert	Matzke	Schimek	Witek
Crosby	Hillman	McKenzie		

Voting in the negative, 1:

Maurstad

Present and not voting, 3:

Jensen	Vrtiska	Warner

Excused and not voting, 7:

Bernard-Stevens	Brashear	Landis	Wickersham	Withem
	Brown	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 1123.

A BILL FOR AN ACT relating to grain; to amend sections 75-902, 75-903, 75-905, 88-525, 88-527, and 88-551, Reissue Revised Statutes of Nebraska; to change provisions relating to grain dealers and grain warehouses; to provide powers and duties; to create a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud	Cudaback	Hudkins	McKenzie	Schrock
Avery	Dierks	Janssen	Pedersen	Stuhr
Beutler	Elmer	Jensen	Pirsch	Vrtiska
Bohlke	Engel	Jones	Preister	Wehrbein
Bromm	Fisher	Klein	Robinson	Wesely
Chambers	Hartnett	Kristensen	Schellpeper	Will
Coordsen	Hilgert	Lynch	Schimek	Witek
Crosby	Hillman	Matzke	Schmitt	

Voting in the negative, 1:

Maurstad

Present and not voting, 2:

Robak Warner

Excused and not voting, 7:

Bernard-Stevens	Brashear	Landis	Wickersham	Withem
	Brown	Lindsay		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 972. With Emergency.

A BILL FOR AN ACT relating to charitable gifts; to adopt the Charitable Gift Annuity Act; to eliminate provisions on solicitation of funds; to eliminate a penalty; to outright repeal sections 28-1440 to 28-1449, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bromm	Cudaback	Fisher	Hudkins
Avery	Chambers	Dierks	Hartnett	Janssen
Beutler	Coordsen	Elmer	Hilgert	Jensen
Bohlke	Crosby	Engel	Hillman	Jones

Klein	McKenzie	Robak	Schmitt	Wehrbein
Kristensen	Pedersen	Robinson	Schrock	Wesely
Lynch	Pirsch	Schellpeper	Stuhr	Will
Matzke	Preister	Schimek	Vrtiska	Witek
Maurstad				

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 7:

Bernard-Stevens	Brashear	Landis	Wickersham	Withem
	Brown	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 1028.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 1-105, 2-512, 9-103, 9-104, 9-105, 9-106, 9-304, 9-305, and 9-405, Uniform Commercial Code; to adopt uniform provisions relating to letters of credit; to eliminate provisions governing letters of credit; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 5-101 to 5-117, Uniform Commercial Code.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Cudaback	Janssen	McKenzie	Schmitt
Avery	Dierks	Jensen	Pedersen	Schrock
Beutler	Elmer	Jones	Pirsch	Stuhr
Bohlke	Engel	Klein	Preister	Vrtiska
Bromm	Fisher	Kristensen	Robak	Wehrbein
Brown	Hartnett	Landis	Robinson	Wesely
Chambers	Hilgert	Lynch	Schellpeper	Will
Coordsen	Hillman	Matzke	Schimek	Witek
Crosby	Hudkins	Maurstad		

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 5:

Bernard-Stevens Brashear Lindsay Wickersham Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

UNANIMOUS CONSENT - Member Excused

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 906, 938, 1041, 1047, 1048, 1072, 1073, 1122, 1123, 972, and 1028.

SELECT FILE

LEGISLATIVE BILL 1050. Mrs. Bohlke renewed her pending amendment, AM3632, found in the Journal on page 1115.

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

The Bohlke amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Bohlke renewed her pending amendment, AM3619, found in the Journal on page 1119.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Beutler renewed his pending amendment, AM3620, found in the Journal on page 1122.

The Beutler amendment was adopted with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

Mrs. Bohlke renewed her pending amendment, AM3629, found in the Journal on page 1346.

Mr. Abboud offered the following amendment to the Bohlke pending amendment:
AM4001

(Amendments to AM3629)

1. On page 4, line 4, after the first period insert "Sec. 12. For state aid calculated for school fiscal year 1999-2000 and each school fiscal year thereafter:

(1) Twenty-five percent of all funds dedicated for support of the public school system by distributing state aid to districts as determined in this section and sections 79-3806 to 79-3813 and sections 13 and 16 of this act;

(2) Not later than November 15 of each year, the Tax Commissioner shall certify to the department for the second preceding tax year (a) 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) 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; and

(3) Using the data certified by the Tax Commissioner pursuant to subdivision (2) of this section, the department shall calculate the allocation percentage and each district's allocated income tax funds. The allocation percentage shall be an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school fiscal year 1992-93 minus the total amount paid for option students pursuant to section 13 of this act with the difference divided by the aggregate statewide income tax liability of all resident individuals certified pursuant to subdivision (2) of this section. Each district's allocated income tax funds shall be calculated 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 multiplied by the allocation percentage; 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 multiplied by the allocation percentage;

(ii) For each Class I district which is not part of a Class VI district, 61.3793 percent of the certified income tax liability multiplied by the allocation percentage shall be allocated to such Class I district, with the remainder of the certified income tax liability multiplied by the allocation percentage allocated to any high school district or districts with which any portion of the Class I district has affiliated. When the

Class I district has partially affiliated with one or more high school districts, such remainder of the certified income tax liability multiplied by the allocation percentage shall be allocated to the affiliated high school district or districts based on 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 multiplied by the allocation percentage shall be allocated to such Class I district and the remainder of the certified income tax liability multiplied by the allocation percentage 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 multiplied by the allocation percentage shall be allocated to such Class I district and the remainder of the certified income tax liability multiplied by the allocation percentage shall be allocated to the Class VI district.".

2. Insert the following new amendment:

"2. On page 22, line 4, strike 'and each school fiscal year thereafter' and insert 'through school fiscal year 1998-99'.".

3. Amend the operative date and repealer sections so that the section added by this amendment become operative on its effective date with the emergency clause.

4. Renumber the remaining amendments accordingly.

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. Abboud moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Abboud requested a roll call vote on his amendment.

Voting in the affirmative, 15:

Abboud	Dierks	Jones	Schellpeper	Stuhr
Bromm	Fisher	Preister	Schmitt	Wehrbein
Brown	Jensen	Robak	Schrock	Wickersham

Voting in the negative, 26:

Avery	Bohlke	Hartnett	Janssen	McKenzie
Bernard-Stevens	Crosby	Hilgert	Klein	Pedersen
Beutler	Elmer	Hillman	Landis	Pirsch
	Engel	Hudkins	Lynch	Robinson

Schimek	Warner	Will	Witek	Withem
Vrtiska	Wesely			

Present and not voting, 5:

Chambers	Coordsen	Cudaback	Matzke	Maurstad

Excused and not voting, 3:

Brashear	Kristensen	Lindsay

The Abboud amendment lost with 15 ayes, 26 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Bohlke amendment, AM3629, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Mrs. Bohlke withdrew her motion, found in the Journal on page 1351, to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1050 without further amendment or debate.

Mrs. Pirsch withdrew her amendment, AM3942, found in the Journal on page 1348.

Mr. Schrock renewed his pending amendment, AM3962, found in the Journal on page 1356.

Mr. Schrock withdrew his amendment.

Mr. Withem withdrew his amendment, AM3870, found in the Journal on page 1306.

Messrs. Withem and Jones offered the following amendment:
AM4038

(Amendments to E & R amendments, AM7210)

1. Insert the following new section:

"Sec. 35. The Legislature recognizes that the Tax Equity and Educational Opportunities Support Act does not currently recognize the unique costs associated with funding a quality education program for students living in the sparsely populated areas of the state. Therefor, the School Finance Review Committee is directed to (1) conduct a study of the unique costs associated with providing a quality education program for students living in sparsely populated areas in the state, (2) prepare a recommendation to the Legislature indicating how a sparsity factor should be structured for incorporation into the school finance formula, and

(3) present its recommendation to the Education Committee of the Legislature by December 15, 1996.".

2. Amend the operative date and repealer sections so that section 35 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Landis, Hilgert, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem-Jones amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Bohlke requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Avery	Crosby	Hillman	Maurstad	Warner
Bernard-Stevens	Cudaback	Hudkins	McKenzie	Wehrbein
Beutler	Elmer	Janssen	Pedersen	Wesely
Bohlke	Engel	Klein	Pirsch	Will
Brown	Fisher	Landis	Robinson	Witek
Chambers	Hartnett	Lindsay	Schimek	Withem
	Hilgert	Matzke	Vrtiska	

Voting in the negative, 11:

Abboud	Jensen	Kristensen	Schellpeper	Schrock
Bromm	Jones	Robak	Schmitt	Wickersham
Coordsen				

Present and not voting, 3:

Dierks	Preister	Stuhr

Excused and not voting, 2:

Brashear	Lynch

Advanced to E & R for engrossment with 33 ayes, 11 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1050A. Advanced to E & R for engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 22, 1996, at 10:10 a.m., were the following bills: 906, 938, 1041, 1047, 1048, 1072, 1073, 1122, 1123, 972, and 1028.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Messrs. Beutler and Chambers filed the following amendment to LB 1322:
AM4034

(Amendments to E & R amendments, AM7219)

1. On page 5, strike lines 11 through 20 and insert "In selecting projects to receive trust fund assistance, the department shall develop a qualified allocation plan and give first priority to financially viable projects that serve the lowest income occupants for the longest period of time. The qualified allocation plan shall:

(a) Set forth selection criteria to be used to determine housing priorities of the housing trust fund which are appropriate to local conditions, including the community's immediate need for affordable housing, proposed increases in homeownership, private dollars leveraged, level of local government support and participation, and repayment, in part or in whole, of financial assistance awarded by the fund; and

(b) Give first priority in allocating trust fund assistance among selected projects to those projects which serve the lowest income occupant and are obligated to serve qualified occupants for the longest period of time.".

RESOLUTION

LEGISLATIVE RESOLUTION 364. Introduced by Wickersham, 49; Hillman, 48; Landis, 46; Jones, 43; Stuhr, 24; Schimek, 27; Robak, 22; Brown, 6.

WHEREAS, Nebraska was settled by diverse people from around the world, and the family of Mari Sandoz was among those settlers; and

WHEREAS, Jules Sandoz was an early settler of northwest Nebraska, was a major claim locator for other settlers in the area, established strong ties with native Americans of the region, and was a pioneering horticulturist; and

WHEREAS, Mari Sandoz honored her father's memory and work with a biography, Old Jules, for which she won the Atlantic Monthly Prize, and further chronicled the development of the Plains states and

the plight of native Americans, writing a total of twenty books including Cheyenne Autumn and Crazy Horse and dozens of short stories; and

WHEREAS, Mari Sandoz was inducted into the Nebraska Hall of Fame, was recognized as one of the nation's foremost authorities on native American culture and the history of the Plains, and shared her knowledge and talents with young Nebraskans and aspiring writers nationwide through classes, workshops, and programs on Nebraska Public Television; and

WHEREAS, 1996 marks the centennial of her birth and the thirtieth anniversary of her death.

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

1. That 1996 be recognized as Mari Sandoz Centennial Year in Nebraska and that all citizens be encouraged to discover Nebraska's rich heritage through the writings of Mari Sandoz.

Laid over.

REPORTS

The following reports were received by the Legislature:

Juvenile Services Grant Committee
- Coalition for Juvenile Justice Annual Report (Neb.Rev.Stat. Sec. 43-2412(1)(f))

Social Services, Department of
- Child Care Licensing Annual Report (LB 836, 1991)

Investment Finance Authority, Nebraska (NIFA)
- Series A Single Family Issue report (Neb.Rev.Stat. §58-270 (3))

Roads, Department of
- Board of Public Roads Classifications and Standards, Minutes for February, 1996
- Highway Cash Fund and Roads Operation Cash Fund for February, 1996 (Section 66-4,144, R.S. Supp. 1994)

Labor, Department of
- Job Training Plans of Greater Nebraska SDA Title II and Title III Plans, Program Years 1996-1997

Revenue, Department of
- Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act, and Quality Jobs Act (Sections 77-4110 (R.R.S. 1943))

SELECT FILE

LEGISLATIVE BILL 964. Mrs. Witek renewed her pending amendment, AM3605, found in the Journal on page 1092.

Ms. Schimek renewed her pending amendment, FA535, found in the Journal on page 1186, to the Witek pending amendment.

Ms. Schimek withdrew her amendment.

Messrs. Landis, Klein, Hartnett, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Witek amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Beutler renewed his pending amendment, AM3448, found in the Journal on page 1186.

The Beutler amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Mrs. Witek offered the following amendment:
AM4032

1. On page 8, line 17, after the period insert "The election commissioner or county clerk shall file with the Secretary of State and the county board an election report. The Secretary of State shall develop a uniform election report form which requires information, including, but not limited to, an evaluation of the verification process, including the number of ballots rejected and the reasons for the rejection, the process for handling and canvassing ballots, and the cost of the election conducted by mail.".

The Witek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

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

Mr. Bernard-Stevens moved to indefinitely postpone LB 964.

Mr. Hilgert 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, 1 nay, and 23 not voting.

The Bernard-Stevens motion to indefinitely postpone lost with 4 ayes, 27 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Maurstad offered the following amendment:
FA571
On page 5, line 4 after "only issues" add: dealing with bonded debt for capitol improvement projects

Mmes. Bohlke, Robak, Messrs. Janssen, and Engel 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?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Maurstad requested a roll call vote on his amendment.

Voting in the affirmative, 12:

Abboud	Jensen	Maurstad	Pirsch	Wickersham
Avery	Kristensen	Pedersen	Wehrbein	Witek
Brown	Lindsay			

Voting in the negative, 23:

Beutler	Dierks	Klein	Schimek	Vrtiska
Bromm	Elmer	Matzke	Schmitt	Warner
Chambers	Fisher	Preister	Schrock	Wesely
Crosby	Hartnett	Robinson	Stuhr	Will
Cudaback	Jones	Schellpeper		

Present and not voting, 5:

Bernard-Stevens	Hilgert	Hillman	Hudkins	Withem

Excused and not voting, 9:

Bohlke	Coordsen	Janssen	Lynch	Robak
Brashear	Engel	Landis	McKenzie	

The Maurstad amendment lost with 12 ayes, 23 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

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

Mr. Bernard-Stevens moved to reconsider the Maurstad amendment, FA571.

Mrs. Hillman, Messrs. Wehrbein, Kristensen, Hartnett, Vrtiska, and Schellpeper 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 4 ayes, 0 nays, and 45 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 7:

Abboud	Bernard-Stevens	Brown	Jensen	Pirsch
		Hilgert	Maurstad	

Voting in the negative, 24:

Avery	Cudaback	Jones	Robinson	Warner
Beutler	Dierks	Klein	Schimek	Wesely
Bromm	Elmer	Matzke	Schmitt	Wickersham
Chambers	Hillman	Pedersen	Schrock	Witek
Crosby	Hudkins	Preister	Stuhr	

Present and not voting, 3:

Fisher	Lindsay	Withem

Absent and not voting, 1:

Will

Excused and not voting, 14:

Bohlke	Engel	Kristensen	McKenzie	Vrtiska
Brashear	Hartnett	Landis	Robak	Wehrbein
Coordsen	Janssen	Lynch	Schellpeper	

The Bernard-Stevens motion to reconsider lost with 7 ayes, 24 nays, 3 present and not voting, 1 absent and not voting, and 14 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. Bernard-Stevens moved to bracket LB 964 to March 27, 1996.

Mr. Beutler 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. Bernard-Stevens moved for a call of the house. The motion prevailed with 9 ayes, 5 nays, and 35 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Abboud	Cudaback	Klein	Pirsch	Wesely
Avery	Dierks	Landis	Preister	Wickersham
Bohlke	Elmer	Lindsay	Schmitt	Will
Bromm	Hilgert	Matzke	Stuhr	Witek
Brown	Hillman	Maurstad	Warner	Withem
Crosby	Jones			

Voting in the negative, 2:

Robinson	Schrock

Present and not voting, 6:

Bernard-Stevens	Chambers	Jensen	Pedersen	Schimek
	Hudkins			

Absent and not voting, 1:

Fisher

Excused and not voting, 13:

Beutler	Coordsen	Hartnett	Kristensen	McKenzie
Brashear	Engel	Janssen	Lynch	Robak

Schellpeper Vrtiska Wehrbein

The motion to cease debate prevailed with 27 ayes, 2 nays, 6 present and not voting, 1 absent and not voting, and 13 excused and not voting.

The Bernard-Stevens motion to bracket lost with 7 ayes, 27 nays, 2 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Cudaback and Ms. Schimek moved to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7 and vote on the advancement of LB 964 without further amendment or debate.

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

Mr. Will 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. Will moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Ms. Schimek requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 30:

Avery	Dierks	Jones	Pirsch	Stuhr
Beutler	Elmer	Klein	Preister	Warner
Bohlke	Fisher	Lindsay	Robinson	Wesely
Bromm	Hilgert	Matzke	Schimek	Wickersham
Crosby	Hillman	Maurstad	Schmitt	Will
Cudaback	Hudkins	Pedersen	Schrock	Withem

Voting in the negative, 5:

Abboud	Brown	Chambers	Jensen	Witek

Present and not voting, 1:

Bernard-
Stevens

Excused and not voting, 13:

Brashear	Coordsen	Engel	Hartnett	Janssen

Kristensen	Lynch	Robak	Vrtiska	Wehrbein
Landis	McKenzie	Schellpeper		

The Cudaback-Schimek motion to suspend the rules prevailed with 30 ayes, 5 nays, 1 present and not voting, and 13 excused and not voting.

Mrs. Witek requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Avery	Dierks	Jones	Robinson	Warner
Beutler	Elmer	Klein	Schimek	Wesely
Bromm	Fisher	Matzke	Schmitt	Wickersham
Chambers	Hilgert	Pedersen	Schrock	Will
Crosby	Hillman	Preister	Stuhr	Withem
Cudaback	Hudkins			

Voting in the negative, 9:

Abboud	Bohlke	Jensen	Maurstad	Witek
Bernard-Stevens	Brown	Lindsay	Pirsch	

Excused and not voting, 13:

Brashear	Hartnett	Landis	Robak	Vrtiska
Coordsen	Janssen	Lynch	Schellpeper	Wehrbein
Engel	Kristensen	McKenzie		

Advanced to E & R for engrossment with 27 ayes, 9 nays, and 13 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 1044A:
FA572
1. Strike Section 5.

Mr. Wesely filed the following amendment to LB 299:
AM4043
(Amendments to Standing Committee amendments, AM3654)
1. Insert the following new sections:
"Sec. 10. It is the intent of the Legislature that:
(1) By the year 2000, all Nebraska school districts will be kindergarten through grade twelve districts;
(2) By the year 2000, each such district shall contain a minimum student population of three hundred students residing in

the district unless meeting this provision would require such district to extend beyond the boundaries of the county in which the district is organized;

(3) By the year 2000, the boundaries of such districts shall be contiguous and, where possible, shall conform to county boundaries, natural boundaries, or transportation routes;

(4) Beginning in school year 2000-2001 through school year 2014-2015, all children whose family domicile changes to another school district pursuant to the requirements of sections 10 to 14 of this act would have the option to continue attending their original school district;

(5) Beginning in the year 2000, members of school boards or boards of education of school districts organized pursuant to the requirements of sections 10 to 14 of this act will be elected from election wards of as nearly as possible equal population;

(6) Attendance centers in existence prior to June 1, 2000, shall, beginning June 1, 2000, be maintained to the extent that the school board or board of education of the kindergarten through grade twelve district can demonstrate that the fiscal cost of operating such attendance center on an average per pupil cost basis does not exceed the average per pupil cost of the entire district by more than ten percent, except that the ten percent requirement shall be waived if closing an elementary attendance center, kindergarten through grade six or eight, would result in students living more than fifteen miles from the next available elementary attendance center. Districts in which the distance between elementary attendance centers and students' places of residence already exceed the fifteen-mile limit as set forth in this section may continue to operate without meeting the fifteen-mile requirement; and

(7) Each attendance center shall provide for the selection of not fewer than five nor more than nine persons from within the boundaries of such attendance center to serve as an advisory committee to the administration and faculty of the attendance center. The advisory committee shall provide parental and citizen input regarding the operation and programs of the attendance center in matters not already prescribed by law or board policy. Advisory committee members shall serve without compensation.

Sec. 11. For purposes of sections 10 to 15 of this act:

(1) Attendance center means a school building in a school district to which teachers and students are assigned on a daily basis;

(2) Contiguous boundaries means boundaries of two or more school districts touching each other in a continuous line from beginning to end;

(3) County committee means the county committee for the reorganization of school districts created pursuant to section 186, Legislative Bill 900, Ninety-fourth Legislature, Second Session,

1996;

(4) Election ward means a defined region within a kindergarten through grade twelve school district containing population equal to the population of all other such regions in the district;

(5) Kindergarten through grade twelve district means a school district under the direction of a single school board responsible for the education of children in grades kindergarten thorough twelve;

(6) Resident district means the kindergarten through grade twelve school district in which the family of school-age children is domiciled; and

(7) State committee means the State Committee for the Reorganization of School Districts created by section 184, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996.

Sec. 12. The reorganization of school districts into districts meeting the requirements of section 10 of this act shall be accomplished by reorganization plans developed and monitored by the state committee and the county committee.

The state committee, with input from the county committee, shall develop state and regional plans for the reorganization of school districts. County committees shall develop county reorganization plans which do not conflict with the state and regional plans developed by the state committee. The state committee shall provide planning assistance to the county committees and school districts.

Sec. 13. Until June 1, 2000, school districts shall have the opportunity to voluntarily reorganize to meet the minimum student population and the boundary standards established in section 10 of this act. Beginning June 1, 2000, the state committee shall implement the state and regional reorganization plans for school districts which have not voluntarily reorganized to meet such standards.

Sec. 14. On and after the operative date of this section through school year 2009-2010, kindergarten through grade twelve school districts which meet sparsity minimum enrollment and transportation requirements criteria shall weight formula students at 1.10.

On and after the operative date of this section through school year 2009-2010, kindergarten through grade twelve school districts which meet the minimum student population established in section 10 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.05.

On and after the operative date of this section through school year 2009-2010, kindergarten through grade twelve districts which meet the boundary standards established in section 10 of this

act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.05.

On and after the operative date of this section through school year 2009-2010, kindergarten through grade twelve districts which carry out planning studies pursuant to section 15 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.02.

On and after the operative date of this section through school year 1999-2000, school districts which do not meet the minimum student population and the boundary standards established pursuant to section 10 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 0.90.

Sec. 15. The Legislature shall provide necessary and sufficient funds for planning studies providing guidance to school districts to carry out the state and regional reorganization plans developed by the state committee.

Sec. 16. The State Department of Education and the Education Committee of the Legislature shall prepare legislation for introduction in the 1997 regular session of the Legislature, which legislation shall provide for any amendments to existing statutes needed to carry out the legislative intent and the requirements of sections 10 to 15 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Amend the operative date provision so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

Mr. Wesely filed the following amendment to LB 604:
AM4042

(Amendments to E & R amendments, AM7220)

1. Insert the following new sections:

"Section 1. It is the intent of the Legislature that:

(1) By the year 2000, all Nebraska school districts will be kindergarten through grade twelve districts;

(2) By the year 2000, each such district shall contain a minimum student population of three hundred students residing in the district unless meeting this provision would require such district to extend beyond the boundaries of the county in which the district is organized;

(3) By the year 2000, the boundaries of such districts shall be contiguous and, where possible, shall conform to county

boundaries, natural boundaries, or transportation routes;

(4) Beginning in school year 2000-2001 through school year 2014-2015, all children whose family domicile changes to another school district pursuant to the requirements of sections 1 to 5 of this act would have the option to continue attending their original school district;

(5) Beginning in the year 2000, members of school boards or boards of education of school districts organized pursuant to the requirements of sections 1 to 5 of this act will be elected from election wards of as nearly as possible equal population;

(6) Attendance centers in existence prior to June 1, 2000, shall, beginning June 1, 2000, be maintained to the extent that the school board or board of education of the kindergarten through grade twelve district can demonstrate that the fiscal cost of operating that attendance center on an average per pupil cost basis does not exceed the average per pupil cost of the entire district by more than ten percent except that the ten percent requirement shall be waived if closing an elementary attendance center, kindergarten through grade six or eight, would result in students living more than fifteen miles from the next available elementary attendance center. Districts in which the distance between elementary attendance centers and students' places of residence already exceed the fifteen-mile limit as set forth in this section may continue to operate without meeting the fifteen-mile requirement; and

(7) Each attendance center shall provide for the selection of not fewer than five nor more than nine persons from within the boundaries of such attendance center to serve as an advisory committee to the administration and faculty of the attendance center. The advisory committee shall provide parental and citizen input regarding the operation and programs of the attendance center in matters not already prescribed by law or board policy. Advisory committee members shall serve without compensation.

Sec. 2. For purposes of sections 1 to 6 of this act:

(1) Attendance center means a school building in a school district to which teachers and students are assigned on a daily basis;

(2) Contiguous boundaries means boundaries of two or more school districts touching each other in a continuous line from beginning to end;

(3) County committee means the county committee for the reorganization of school districts created pursuant to section 186, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996;

(4) Election ward means a defined region within a kindergarten through grade twelve school district containing population equal to the population of all other such regions in the district;

(5) Kindergarten through grade twelve district means a school district under the direction of a single school board responsible for the education of children in grades kindergarten thorough twelve;

(6) Resident district means the kindergarten through grade twelve school district in which the family of school-age children is domiciled; and

(7) State committee means the State Committee for the Reorganization of School Districts created by section 184, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996.

Sec. 3. The reorganization of school districts into districts meeting the requirements of section 1 of this act shall be accomplished by reorganization plans developed and monitored by the state committee and the county committee.

The state committee, with input from the county committee, shall develop state and regional plans for the reorganization of school districts. County committees shall develop county reorganization plans which do not conflict with the state and regional plans developed by the state committee. The state committee shall provide planning assistance to the county committees and school districts.

Sec. 4. Until June 1, 2000, school districts shall have the opportunity to voluntarily reorganize to meet the minimum student population and the boundary standards established in section 1 of this act. Beginning June 1, 2000, the state committee shall implement the state and regional reorganization plans for school districts which have not voluntarily reorganized to meet such standards.

Sec. 5. On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve school districts which meet sparsity minimum enrollment and transportation requirements criteria shall weight formula students at 1.10.

On and after the effective date of this act through school year 2009-2010, kindergarten through grade twelve school districts which meet the minimum student population established in section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.05.

On and after the effective date of sections 1 to 7 of this act through school year 2009-2010, kindergarten through grade twelve districts which meet the boundary standards established in section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.05.

On and after the effective date of sections 1 to 7 of

this act through school year 2009-2010, kindergarten through grade twelve districts which carry out planning studies pursuant to section 6 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 1.02.

On and after the effective date of sections 1 to 7 of this act through school year 1999-2000, school districts which do not meet the minimum student population and the boundary standards established pursuant to section 1 of this act shall, for purposes of the Tax Equity and Educational Opportunities Support Act, weight formula students as defined in section 654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, in the district at 0.90.

Sec. 6. The Legislature shall provide necessary and sufficient funds for planning studies providing guidance to school districts to carry out the state and regional reorganization plans developed by the state committee.

Sec. 7. The State Department of Education and the Education Committee of the Legislature shall prepare legislation for introduction in the 1997 regular session of the Legislature, which legislation shall provide for any amendments to existing statutes needed to carry out the legislative intent and the requirements of sections 1 to 6 of this act.".

2. Renumber the remaining sections accordingly.

Mr. Warner filed the following amendment to LB 1373:
AM4039

(Amendments to E & R amendments, AM7218)

1. On page 1, line 13, strike "six" and insert "seven"; and in line 14 after the comma insert "a legislative staff representative appointed by the executive board upon the recommendation of the Revenue Committee of the Legislature,".

Mr. Warner filed the following amendment to LB 1373:
AM4037

(Amendments to E & R amendments, AM7218)

1. On page 2, line 8, strike "the Nebraska Investment Finance Authority Act,"; in line 10 after the first comma insert "subdivisions (3)(a), (b), and (c) of section 58-219,"; and in line 11 after the comma insert "58-251,".

Mr. Beutler filed the following amendment to LB 1155:
AM4035

(Amendments to E & R amendments, AM7236)

1. Insert the following new section:

"Sec. 15. Section 46-1405, Revised Statutes Supplement, 1995, is amended to read:

46-1405. Any natural resources district cost-sharing

program for decommissioning illegal water wells may qualify for funding pursuant to section 46-1404 if the program:

(1) Applies only to water wells properly decommissioned by licensed water well contractors and pump installation contractors;

(2) Applies to all water wells in the district;

(3) Is available for at least thirty water wells per year; and

(4) Provides at least ~~seventy-five~~ sixty percent of the costs of decommissioning, up to a maximum of three hundred dollars for all water wells other than hand-dug water wells which shall be eligible for up to a maximum of seven hundred dollars.".

2. Renumber the remaining sections and correct internal references accordingly.

3. Correct the operative date provision and the repealer so that the section added by this amendment becomes operative three calendar months after the adjournment of this legislative session.

Mrs. Witek filed the following amendment to LB 590:
AM3855

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 51-207, Reissue Revised Statutes of Nebraska, is amended to read:

51-207. The library board shall have ~~exclusive~~ control of expenditures, ~~of~~ all money collected or donated to the credit of the library fund, ~~of~~ and the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. The elected officials with the authority to levy or collect a village, city, county or township tax have the final and controlling authority over expenditures used to purchase, build, or support any library if such expenditures are paid from the revenue of a village, city, county, or township tax other than the separate levy for the library fund authorized by section 51-201. The library board shall have final and controlling authority over the selection of titles and content of the books and other print and nonprint materials circulated or used by the library whether purchased from the library fund or otherwise.

Sec. 2. Section 51-210, Reissue Revised Statutes of Nebraska, is amended to read:

51-210. Every library board created under the provisions of sections 51-201 to 51-219 shall have power to purchase or lease grounds, to exercise the power of eminent domain, and to condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724. The elected officials with the authority to levy or collect the village, city, county, or township tax have the final and controlling authority

over expenditures of the library under this section if such expenditures are paid from the revenue of the village, city, county, or township tax other than the separate levy for the library fund authorized by section 51-201.

Sec. 3. Section 51-211, Reissue Revised Statutes of Nebraska, is amended to read:

51-211. (1) The library board shall have the power to ~~erect, lease, or~~ occupy an appropriate building for the use of such library and to appoint a suitable librarian and assistants, to fix their compensation, and to remove such appointees at pleasure. It shall have the power to establish rules and regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. It shall have the power to fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation and to fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services. The board shall have and exercise such power as may be necessary to carry out the spirit and intent of sections 51-201 to 51-219 in establishing and maintaining a public library and reading room.

(2) The public library shall make its basic services available without charge to all residents of the political subdivision which supplies its tax support.

(3) No service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status.

Sec. 4. Original sections 51-207, 51-210, and 51-211, Reissue Revised Statutes of Nebraska, are repealed.".

Mrs. Witek filed the following amendment to LB 590:
AM4003

(Amendments to AM3617)

1. Strike section 5.

2. Renumber the remaining sections and correct internal references accordingly.

Mrs. Witek filed the following amendment to LB 1380:
AM3615

1. On page 2, line 15, strike "No" and insert "Except when necessary to preserve the life of the mother, no".

Mr. Bernard-Stevens filed the following amendment to LB 964:
FA573

On page 5 line 4 Strike lines 4 & 5 and include "All issues including candidates shall be included in this bill

RESOLUTION

LEGISLATIVE RESOLUTION 365. Introduced by Robak, 22.

PURPOSE: The purpose of this study is to collect data regarding private health insurance coverage for biologically based mental illnesses.

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

1. That a select committee of the Legislature shall be created by the Executive Board of the Legislative Council and shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the select committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lindsay asked unanimous consent to have his name added as cointroducer to LB 1253. No objections. So ordered.

ANNOUNCEMENT

Mr. Wickersham announced the Nebraska Retirement Committee will hold an executive session on Monday, March 25, 1996, at 9:00 a.m. in Room 2022.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1189. Placed on Select File as amended.
(E & R amendment, AM7254, 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 1120. Placed on Select File.

LEGISLATIVE BILL 1191. Placed on Select File as amended.
E & R amendment to LB 1191:
AM7248

1. On page 2, line 9, strike "fund", show as stricken,
and insert "Department of Motor Vehicles Cash Fund".

LEGISLATIVE BILL 1265. Placed on Select File as amended.
E & R amendment to LB 1265:
AM7251

1. On page 6, line 21, strike "(a)"; and in line 26

strike "(b)".

2. On page 7, line 7, strike "(c)".

LEGISLATIVE BILL 33. Placed on Select File as amended.
E & R amendment to LB 33:
AM7249

1. On page 1, line 1, strike "sections 33-150 and" and insert "section"; in line 2 after "Nebraska" insert ", and section 33-150, Revised Statutes Supplement, 1995"; and in line 5 strike "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 1290. Placed on Select File as amended.
E & R amendment to LB 1290:
AM7250

1. In the Warner amendment, FA565, on page 1, line 6, after "in" insert "section".

LEGISLATIVE BILL 1085. Placed on Select File as amended.
E & R amendment to LB 1085:
AM7255

1. In lieu of the Schellpeper amendment, FA559, in the Standing Committee amendments, AM3649, on page 39, strike beginning with "the" in line 6 through the comma in line 7 and show the old matter as stricken; and in line 8 strike "including" and insert "aid, including food,".

2. In the Beutler amendment, AM3873, renumber section 48 as section 8 and in the Standing Committee amendments, AM3649, correct internal references accordingly.

3. In lieu of the Beutler amendment, FA560, in the Standing Committee amendments, AM3649:

a. Insert the following new section:

"Sec. 10. Each county board shall, by January 1, 1998, examine the question of whether property taxes might be reduced through consolidation of counties, offices, or services with another county. The examination shall include a public hearing and a fiscal estimate of property tax savings, if any, anticipated by a consolidation.".

b. Renumber the remaining sections and correct internal references accordingly.

4. In the Standing Committee amendment, AM3649:

a. On page 7, line 8, before "Each" insert paragraphing and "(4)";

b. On page 13, line 7, strike "officer" and insert "officers";

c. On page 14, line 21, before "At" insert "(1)";

d. On page 15, line 10, before "All" insert paragraphing and "(2)";

e. On page 39, line 19, after "county" insert "veterans"; and

f. On page 40, line 20, after "county" insert "veterans"; in line 22 after "by" insert "this section and", strike the old comma, show as stricken, and insert "and", and strike the underscored comma and insert an underscored period; strike line 23 and show as stricken; in line 25 strike "2-229,"; and in line 27 after the third comma insert "2-229,".

5. On page 1, strike beginning with "revenue" in line 1 through line 11 and insert "government; to amend sections 2-203, 2-203.02, 2-203.05, 22-401 to 22-406, 22-411, 22-412, 22-416, 23-104.01, 23-153, 23-1114, 35-516, 77-205, 80-102, and 80-102.01, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-229, 2-1604, 22-407, 23-3201, 23-3509, 23-3511, 32-517, 32-518, 32-519, 32-524, 32-525, and 32-526, Revised Statutes Supplement, 1994, and sections 23-3507, 23-3519, 35-517, 77-1340, and 77-1601, Revised Statutes Supplement, 1995; to change the levy powers of the county board regarding certain political subdivisions; to provide for a study on natural resources districts; to provide, change, and eliminate consolidation procedures for intercounty and intracounty consolidation; to require a study by county boards; to change a salary provision for veterans service officers; to eliminate certain levy provisions; to provide for preliminary property levies; to change county levy dates; to change a provision authorizing state assumption of county property assessment functions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 22-408 to 22-410 and 77-1605.03, Reissue Revised Statutes of Nebraska, sections 77-1602, 77-1603, 77-1605, 77-1605.01, and 77-1627, Revised Statutes Supplement, 1994, and section 77-1612, Revised Statutes Supplement, 1995.".

LEGISLATIVE BILL 373. Placed on Select File as amended.
E & R amendment to LB 373:
AM7252

1. In the Standing Committee amendments, AM0301, on page 2, line 2, strike "5" and insert "6".

2. On page 1, line 2, after "71-5663," insert "71-5665,"; and in line 5 after the semicolon insert "to provide duties; to provide an operative date;".

LEGISLATIVE BILL 373A. Placed on Select File as amended.
E & R amendment to LB 373A:
AM7253

1. On page 1, line 3, strike "First Session, 1995" and insert "Second Session, 1996; and to provide for a transfer of funds".

2. On page 2, line 2, strike "FY1995-96" and insert "FY1996-97"; in line 3 strike "FY1996-97" and insert "FY1997-98"; and in line 5 strike "First Session, 1995" and insert "Second Session, 1996".

LEGISLATIVE BILL 515. Placed on Select File as amended.
E & R amendment to LB 515:
AM7247

1. In the Standing Committee amendment, AM0405, on page 1, line 18, strike "8" and insert "6".

2. On page 1, lines 3 and 4, strike beginning with "duties" through "the" and insert "a duty for".

3. On page 3, line 18, strike "8" and insert "7".

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were Elizabeth Schuller, Justin Kohmetscher, and Micala Gordon from Lincoln; Jeff Rue from Omaha; 35 members from Leadership Columbus; Royce Norman from North Platte; Elmer Filipi from Crete and Ondrej Velc from the Czech Republic; 32 Girl Scouts and leaders from Ogallala; former Senator Ross Rasmussen from Hooper; 6 fifth, eighth, tenth, and eleventh grade students and sponsor from Catholic Home School, Omaha; 11 students and teacher from UNK, Kearney; Pat and John Schimek from North Platte and Susie Sedelmeier from Lincoln; Ada Marsh, Sue, Pat, Michael, and Stephanie Korger from Columbus; former Senator Arlene Nelson from Grand Island; 41 fourth grade students and sponsors from Wisner-Pilger, Wisner; and Honorable Kofi Totobi and Mabel Quakyi and Nana Effah-Apenteng from Ghana.

The Doctor of the Day was Clarence Davis Jr. from Osceola.

MOTION - Adjournment

Mr. Will moved to adjourn until Monday, March 25, 1996 at 9:00 a.m.

Mr. Maurstad moved for a call of the house. The motion lost with 9 ayes, 13 nays, and 27 not voting.

The motion to adjourn prevailed, and at 2:45 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Monday, March 25, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-NINTH DAY - MARCH 25, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Paul Petersen, Lutheran Church (retired), Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks, Mmes. Pirsch, Stuhr, and Witek who were excused; and Messrs. Avery, Bernard-Stevens, Chambers, Coordsen, Engel, Hilgert, Kristensen, Landis, Lindsay, Schellpeper, Schrock, Will, Mmes. Bohlke, McKenzie, Robak, and Ms. Schimek who were excused until they arrive.

MR. HARTNETT PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 1401, line 7, strike "Robinson" and insert "Lindsay".
The Journal for the forty-seventh day was approved as corrected.
The Journal for the forty-eighth was approved.

GENERAL FILE

LEGISLATIVE BILL 1391. Title read. Considered.

Standing Committee amendment, AM3347, found in the Journal on page 939, was considered.

Mr. Abboud offered the following amendment to the Standing Committee amendment:

AM4041

(Amendments to Standing Committee amendments, AM3347)

1. On page 1, line 24, strike "after line 8 insert".

2. On page 2, strike lines 1 through 5; and in line 12 strike "130,357.64" and insert "129,571.66".

Mr. Abboud moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Abboud amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Messrs. Withem and Lindsay renewed their pending amendment, AM3989, found in the Journal on page 1401 and corrected on page 1473.

Messrs. Withem and Lindsay withdrew their amendment.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1114. Considered.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 299. Title read. Considered.

Standing Committee amendment, AM3654, printed separately and referred to on page 1167, was considered.

Mr. Warner renewed his pending amendment, AM3863, found in the Journal on page 1323, to the Standing Committee amendment.

Mr. Warner withdrew his amendment.

Messrs. Withem and Warner renewed their pending amendment, AM4018, found in the Journal on page 1414, to the Standing Committee amendment.

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

The Withem-Warner amendment was adopted with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Mr. Maurstad renewed his pending amendment, AM3993, found in the Journal on page 1421, to the Standing Committee amendment.

Mr. Maurstad withdrew his amendment.

Mrs. Brown offered the following amendment to the Standing Committee amendment:
AM3922

(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 6. It is the intent of the Legislature that any reductions in a school district budget, made to comply with the budget limitation in section 2 of this act, affect classroom expenses as a last resort. If a school district budget is reduced to comply with the budget limitation in section 2 of this act, the school district shall consider reductions in funding extracurricular activities, student transportation, school building and ground maintenance, and other related school business expenses prior to considering reductions in the funding of academic programs involving students.".

2. Renumber the remaining sections accordingly.

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.

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

The Brown amendment was adopted with 26 ayes, 5 nays, 7 present and not voting, and 11 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.

Mrs. Brown withdrew her amendment, AM3767, found in the Journal on page 1221.

Mr. Maurstad withdrew his amendment, AM3818, found in the Journal on page 1273.

Mr. Withem withdrew his amendment, AM3837, found in the Journal on page 1323.

Mr. Vrtiska withdrew his amendment, AM3946, found in the Journal on page 1356.

Mr. Withem withdrew his amendment, AM3936, found in the Journal on page 1358.

Mr. Maurstad withdrew his amendment, AM3986, found in the Journal on page 1390.

Messrs. Janssen and Bromm asked unanimous consent to replace their pending amendment, AM4023, found in the Journal on page 1433, with a substitute amendment. No objections. So ordered.

Messrs. Janssen and Bromm withdrew their amendment, AM4023, found in the Journal on page 1433.

Messrs. Janssen and Bromm offered the following substitute amendment to the Standing Committee amendment:
AM4070

(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 6. The Task Force on Unfunded Mandates is created. The task force shall consist of:

(1) The chairperson of the Executive Board of the Legislative Council;

(2) The chairperson of the Education Committee of the Legislature;

(3) The chairperson of the Revenue Committee of the Legislature;

(4) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(5) The chairperson of the Health and Human Services Committee of the Legislature;

(6) The chairperson of the Urban Affairs Committee of the Legislature; and

(7) Five representatives of political subdivisions selected by the members listed in subdivision (1) through (6) of this section, to include one representative of municipalities, one representative of counties, and three representatives of the education community.

The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The task force

shall identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services. The task force shall provide a written report to the members of the Legislature by December 1, 1996, which shall include recommendations for any changes to state law which shall either modify or repeal all identified programs and services with the intent of reducing the fiscal impact of the programs and services on the political subdivision or eliminating the programs and services entirely. The task force shall seek recommendations and proposals from groups and individuals.

It is the intent of the Legislature that each standing committee of the Legislature shall undertake an interim study during 1996 to identify unfunded mandates and to recommend the modification or repeal of unfunded mandates impacting the subject matter jurisdiction of the committee. Each standing committee shall report its findings to the Task Force on Unfunded Mandates on or before November 1, 1996, and the task force shall consider the findings in making its recommendations.

The task force terminates on December 31, 1996.".

2. Renumber the remaining sections accordingly.

Messrs. Klein, Elmer, and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 1114:
AM3927

(Amendments to Standing Committee amendments, AM3657)

1. On page 1, line 6, strike "School" and insert "If the Legislature has enacted legislation effective prior to July 1, 1999, to dedicate one percent of the sales tax rate levied pursuant to section 77-2703 to be used exclusively for state aid to schools, school".

Mr. Beutler filed the following amendment to LB 1114:
AM4002

(Amendments to Standing Committee amendments, AM3657)

1. On page 4, line 5, strike "five" and insert "ten";
and in line 13 strike "fourth" and insert "ninth".

RESOLUTIONS

LEGISLATIVE RESOLUTION 366. Introduced by Robinson, 16.

PURPOSE: Currently, county veterans' service committees have the authority to determine whether or not to share service officers with other counties and whether service officers should be full-time or part-time employees. The purpose of this resolution is to study whether such authority should be shifted to county boards, with advice from the veterans' service committees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 367. Introduced by Cudaback, 36; Coordsen, 32.

PURPOSE: The purpose of this study is to inquire about the usage of credit, debit, charge, or bank cards by the state, counties, and municipalities to be used the same as cash to pay any fee, tax, fine, toll, penalty, license, custom, duty, excise, levy, or assessment of whatever kind or nature, whether general or special, as was introduced in the 1996 legislative session in LB 1164 and LB 1010, and to investigate the usual and customary charges associated with the use of these cards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 368. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Preister, 5; Schimek, 27; Schmitt, 41; Vrtiska, 1.

PURPOSE: Bills have been introduced and given public hearings by the Business and Labor Committee of the Legislature which sought to modify the working hours and working conditions of minors, specifically school-to-work programs conducted by public school systems.

An interim study of the concerns of the public regarding school-to-work programs in Nebraska and of any related issues shall be conducted during 1996.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

RECESS

At 12:02 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. Chambers, Dierks, Elmer, Engel, Hilgert, Jones, Landis, Lynch, Preister, Robinson, Will, Mmes. Hillman, Pirsch, Robak, Stuhr, Witek, and Ms. Schimek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 233. Placed on Select File as amended.
E & R amendment to LB 233:
AM7259

1. On page 1, line 1, strike "corrections" and insert "city and county jails"; and in line 5 after the semicolon insert "to eliminate duties of the judges of the district court;".
2. On page 6, line 11, strike "district judges", show as stricken, and insert "Jail Standards Board".
3. On page 7, line 13, after "clothing" insert an underscored comma.

LEGISLATIVE BILL 233A. Placed on Select File.

LEGISLATIVE BILL 1011. Placed on Select File as amended.

E & R amendment to LB 1011:
AM7257

1. Strike original sections 3, 5, 7, and 35.

2. On page 1, line 1, strike "3-705,"; in line 2 strike "14-1706,"; in line 8 strike "3-502,", after the fifth comma insert "and", and strike "and"; and in line 9 strike "77-1380,".

3. On page 9, lines 15 and 16; page 15, line 21; page 17, lines 6 and 7; page 19, lines 16 and 17; page 22, lines 6 and 7 and 20 and 21; page 23, lines 2 and 3; page 24, lines 13 and 25; page 25, lines 12 and 13; page 26, line 6; page 27, lines 22 and 23; page 30, line 17; page 31, lines 11 and 22 and 23; page 32, lines 16 and 17; page 35, lines 12 and 13; page 41, line 9; page 42, lines 8 and 9 and 25 and 26; page 45, line 25; page 47, lines 9 and 10; page 48, line 22; and page 49, line 3, strike "for county officers and employees" and show as stricken.

4. On page 20, line 28, strike "for county", show as stricken, and insert an underscored period.

5. On page 21, strike line 1 and show as stricken.

6. On page 22, line 12, strike "said", show as stricken, and insert "the".

7. On page 26, lines 14 and 15, strike "; PROVIDED,", show as stricken, and insert ", except".

8. On page 32, line 4, after "Commission" insert "Cash".

9. On page 47, line 16, strike "chairmen", show as stricken, and insert "chairpersons"; and in line 17 after "township" insert an underscored comma.

10. On page 48, lines 15 and 16, strike the new matter and reinstate the stricken matter.

11. On page 49, line 23, strike "3-705,"; in line 24 strike "14-1706,"; and in line 28 strike "3-502,".

12. On page 50, line 1, after the third comma insert "and" and strike "and 77-1380,".

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1161. Placed on Select File.

LEGISLATIVE BILL 1316. Placed on Select File as amended.
E & R amendment to LB 1316:
AM7258

1. On page 11, line 7, strike "(2)" and insert "(1)"; and in line 13 strike the first "portions" and insert "portion".

LEGISLATIVE BILL 1258. Placed on Select File.

LEGISLATIVE BILL 1296. Placed on Select File as amended.
E & R amendment to LB 1296:
AM7261

1. On page 19, lines 17 and 20, after "court" insert an underscored comma.

LEGISLATIVE BILL 1276. Placed on Select File.

LEGISLATIVE BILL 1273. Placed on Select File as amended.
E & R amendment to LB 1273:
AM7260

1. On page 1, line 6; and page 49, line 11, after "23-2301" insert ", 81-2014,".
2. On page 2, line 21, strike the comma.
3. On page 6, line 26, strike "systems" and insert "system".
4. On page 7, lines 3 and 8, strike the commas.
5. On page 8, line 1, strike the first "the"; and in line 5 strike "board" and insert "Public Employees Retirement Board".
6. On page 10, line 28; page 20, line 15; page 35, line 20; and page 43, line 17, strike "shall mean" and insert "means".

LEGISLATIVE BILL 1273A. Placed on Select File.
LEGISLATIVE BILL 1321. Placed on Select File.

LEGISLATIVE BILL 1304. Placed on Select File as amended.
E & R amendment to LB 1304:
AM7256

1. On page 1, line 1, strike "section" and insert "sections 18-132 and".
2. On page 2, line 15, strike the underscored period.
3. On page 3, line 20, strike "A40-1996" and insert "A40-1993".

(Signed) David I. Maurstad, Chairperson

MR. BERNARD-STEVENS PRESIDING

GENERAL FILE

LEGISLATIVE BILL 299. The Janssen-Bromm pending amendment, AM4070, found in the Journal on page 1476, to the pending Standing Committee amendment, was renewed.

SPEAKER WITHEM PRESIDING

Messrs. Janssen and Bromm withdrew their amendment.

Messrs. Warner, Maurstad, and Coordsen offered the following amendment to the Standing Committee amendment:
AM4078

(Amendments to Standing Committee amendments, AM3654)

1. Strike section 4 and insert the following new

section:

"Sec. 4. A governmental unit may choose not to increase its total of restricted funds by the full amount allowed by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority. The governmental unit shall calculate its unused restricted funds authority and submit an accounting of such amount with the budget documents for that year. Such unused restricted funds authority may then be used in later years for increases in the total of restricted funds allowed by law.".

2. On page 1, strike beginning with "Budgeted" in line 4 through line 7 and all amendments thereto and insert "Capital improvements means (a) acquisition of real property, (b) acquisition, construction, or extension of any improvements on real property, (c) furnishing or equipping of any improvement, except that routine maintenance and the acquisition of any equipment with a useful life of less than five years shall not be considered capital improvements, and (d) acquisition or replacement of other tangible personal property with a useful life of five years of more;"; in line 16 strike "or decrease" and insert "if any"; strike beginning with "since" in line 16 through "year" in line 22 and insert "between the two most recent consecutive years for which population estimates are available, (b) for school districts, the percentage increase, if any, in average daily membership in the school district from the second school year to the first school year preceding the year for which the budget is being determined, and (c) for community colleges, the percentage increase, if any, in full-time equivalent students from the second year to the first year preceding the year for which the budget is being determined"; and in line 23 after the first "the" insert "two".

3. On page 2, lines 21, 22, 25, and 26; and page 3, lines 3, 4, and 8, strike "budgeted requirements" and insert "total of restricted funds".

4. On page 2, lines 1 and 2, strike "sections 18-1753 and 18-1754" and insert "section 77-3,119"; after line 2 insert

"(5) Restricted funds means (a) property tax, excluding any amounts required to pay interest and principal on bonded indebtedness and any amounts refunded to taxpayers, (b) payments in lieu of property taxes, (c) local option sales taxes, (d) permit and regulatory fees, (e) state aid, and (f) fees from enterprise funds and operations for the portion of fees budgeted to be used for general purposes not in connection with the enterprise function; and

(6) State aid means:

(a) For municipalities, state aid to municipalities paid pursuant to sections 18-2605, 39-2501 to 39-2520, 77-27,136, and 77-3523 and insurance premium tax paid to municipalities;

(b) For counties, state aid to counties paid pursuant to sections 39-2501 to 39-2520, 77-27,136, and 77-3523 and insurance

premium tax paid to counties;

(c) For school districts, state aid paid to schools under the Tax Equity and Educational Opportunities Support Act and section 77-3523 and insurance premium tax paid to schools, but not any funds provided to school districts in support of special education and related services;

(d) For community colleges, state aid paid to community colleges under sections 77-3523, 85-1536, and 85-1537; and

(e) For natural resources districts, state aid to natural resources districts paid pursuant to sections 77-27,136 and 77-3523.";

strike lines 3 through 18 and all amendments thereto; in lines 21 and 25 after "containing" insert "a"; and in line 23 after the period insert "For cities of the first and second class and villages, restricted funds shall be reduced to take into account the fourteen-month fiscal year for 1995-96. The amount of the reduction shall be equal to the amount that the restricted funds were increased to fund the extra two months as certified by the Auditor of Public Accounts.".

5. On page 3, lines 12 and 13, strike "bonded indebtedness" and insert "the proceeds from a bond issue"; in line 14 after "(2)" insert "revenue pledged to retire bonded indebtedness, (3)" and in line 18 strike "(3)" and insert "(4)".

6. On page 4, lines 5 and 6, strike "budget" and insert "restricted funds".

7. In AM4018, on page 13, line 26, strike "budgeted requirements" and insert "restricted funds authority".

PRESIDENT ROBAK PRESIDING

The Warner-Maurstad-Coordsen amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Wesely renewed his pending amendment, AM4043, found in the Journal on page 1460, to the Standing Committee amendment.

Messrs. Hilgert and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke requested a ruling of the Chair on whether the Wesely amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Wesely amendment was substantially the same as LB 1234, which was indefinitely postponed by the Education Committee, and would, therefore, require 30 votes.

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

Mr. Wesely withdrew his amendment.

Mrs. McKenzie withdrew her amendments, AM3930, AM3912, and AM3939, found in the Journal on pages 1346 and 1356.

Mr. Lindsay offered the following amendment to the Standing Committee amendment:
FA574
Amend by inserting after "district" in line 7 of AM3922 the following new language:
"shall first consider reductions in funding administration and shall then"

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

SPEAKER WITHEM PRESIDING

Mr. Lindsay moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Kristensen requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 25:

Abboud	Coordsen	Jensen	McKenzie	Schrock
Avery	Cudaback	Jones	Pedersen	Stuhr
Bernard-Stevens	Elmer	Klein	Preister	Wesely
Beutler	Engel	Lindsay	Schellpeper	Will
Chambers	Hilgert	Lynch	Schmitt	Withem

Voting in the negative, 12:

Brashear	Fisher	Janssen	Matzke	Warner
Bromm	Hartnett	Kristensen	Vrtiska	Wickersham
Crosby	Hillman			

Present and not voting, 7:

Bohlke	Hudkins	Robak	Schimek	Wehrbein
Brown	Maurstad			

Excused and not voting, 5:

Dierks	Landis	Pirsch	Robinson	Witek

The Lindsay amendment was adopted with 25 ayes, 12 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

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

Mr. Hilgert offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4069.)

Mr. Hilgert withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Mr. Withem filed the following amendment to LB 299:
AM4077
(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new section:

"Sec. 6. The Task Force on Unfunded Mandates is created. The task force shall consist of:

(1) The chairperson of the Executive Board of the Legislative Council;

(2) The chairperson of the Education Committee of the Legislature;

(3) The chairperson of the Revenue Committee of the Legislature;

(4) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(5) The chairperson of the Health and Human Services Committee of the Legislature;

(6) The chairperson of the Urban Affairs Committee of the Legislature; and

(7) Five representatives of political subdivisions selected by the members listed in subdivision (1) through (6) of this section, to include one representative of municipalities, one representative of counties, and three representatives of the education community.

The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The task force shall identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services. The task force shall provide a written report to the members of the Legislature by December 1, 1996, which shall include recommendations for any changes to state law which shall either modify or repeal all identified programs and services with the intent of reducing the

fiscal impact of the programs and services on the political subdivision or eliminating the programs and services entirely. The task force shall seek recommendations and proposals from groups and individuals.

The Legislature requests each standing committee of the Legislature to undertake an interim study during 1996 to identify unfunded mandates and to recommend the modification or repeal of unfunded mandates impacting the subject matter jurisdiction of the committee. Each standing committee that undertakes such a study shall report its findings to the Task Force on Unfunded Mandates on or before November 1, 1996, and the task force shall consider the findings in making its recommendations.

The task force terminates on December 31, 1996.".

2. Renumber the remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 96025

DATE: March 25, 1996

SUBJECT: Validity in Nebraska of Same-Sex Marriages Contracted in Another State

REQUESTED BY: Senator Jim Jones
District 43

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

You have requested the opinion of this office as to the validity in Nebraska of same-sex marriages contracted in another state. Specifically, you have asked whether Nebraska is required to recognize a same-sex marriage contracted in the State of Hawaii, and whether Nebraska would be required to honor a same-sex marriage license from Hawaii if legislation was adopted in Nebraska prohibiting recognition of same-sex marriages, either before or after such marriages were legalized in Hawaii.

The issues raised by your request have recently become of nationwide concern, with legislation reportedly adopted in at least two states, and being considered in thirty others. The source of the concern is a case now pending in the State of Hawaii.

In **Baehr v. Lewin,** 852 P.2d 44 (Hawaii 1993), same-sex couples whose applications for marriage licenses were denied filed suit alleging that denial of the marriage licenses violated their rights under the Hawaii Constitution. The Hawaii Supreme Court concluded there is no fundamental right for same-sex couples to marry, but concluded Hawaii's marriage statutes restricting marriage to male-female unions established a sex-based classification that is subject to strict scrutiny.

The court said such laws are presumed to be unconstitutional unless the state shows a compelling state interest which justifies the classification. **Id.** at 64.

The Hawaii Supreme Court remanded the case to a lower court where the Attorney General of Hawaii must overcome the presumption of unconstitutionality by demonstrating the statute furthers compelling state interests and is narrowly drawn to avoid unnecessary abridgements of constitutional rights. **Id.** at 68. The Hawaii Attorney General's Office has informed this office that the case on remand will go to trial on August 1, 1996.

I. Whether Nebraska is Required to Recognize Same-Sex Marriages Contracted in Another State.

A. Background

Marriage is referred to in Nebraska law as "a civil contract, to which the consent of the parties capable of contracting is essential." Neb. Rev. Stat. § 42-101 (1993). The Nebraska Supreme Court has stated that "Marriage . . . is also and specifically a status or personal relation in which the state is deeply concerned and over which the state exercises exclusive dominion." **Buchholz v. Buchholz,** 197 Neb. 180, 182, 248 N.W.2d 21 (1976) (quoting **Maynard v. Hill,** 125 U.S. 190 (1888)). "The law of marriage in this country traces its origin back to the ancient decrees of the church and the civil law which were the basis of the matrimonial laws of England. . . ." **Christensen v. Christensen,** 144 Neb. 763, 767, 14 N.W.2d 613 (1944).

Although the Nebraska statutes do not specifically prohibit same-sex marriages, a prior Nebraska Attorney General's Opinion concluded that same-sex marriages are not recognized under Nebraska law. 1977-78 Rep. Att'y Gen. 170 (Op. No. 113, June 27, 1977). This conclusion was reached after examination of cases from other states, as well as terms in Nebraska's marriage statutes supporting a common use definition of "marriage." Specifically, the opinion referred to the use of the terms "man and wife," and "bride and groom" as well as provisions voiding marriage when the parties are in the relationship of brother and sister, uncle and niece, and aunt and nephew. **Id.** The opinion concluded, "Where the Nebraska Legislature has not defined marriage to include a relationship between two persons of the same-sex, it should be given its usual and well-recognized meaning." **Id.** The opinion further concluded that a marriage license could not be issued to two persons of the same-sex due to the "inability of two persons of the same-sex to come within the definition of marriage." **Id.** Numerous other states with similar statutes have reached the same conclusion. **See Singer v. Hara,** 522 P.2d 1187, 1189 (Wash.App. 1974); **Baker v. Nelson,** 191 N.W.2d 185 (Minn. 1971); **Jones v. Hallahan,** 501 S.W.2d 588 (Ky. 1973); **Adams v. Howerton,** 673 F.2d 1036 (9th Cir.), cert. denied, 458 U.S. 1111 (1982); Op. Att'y Gen. of Alaska 663-95-0451 (March 31, 1995); Op. Att'y Gen. of Arkansas No. 95-062 (April 26, 1995); Op. Att'y Gen. of Maine No. 84-28 (Oct. 30, 1984); Op. Att'y Gen. of Kansas No. 77-248 (Aug. 4, 1977); Op. Att'y Gen. of South Carolina (Aug. 12, 1976).

Although the above-referenced Nebraska Attorney General's Opinion is nearly twenty years old, it remains valid. Current Nebraska law still requires that "at the time of marriage the male must be of the age of seventeen years or upward, and the female of the age of seventeen years or upward." Neb. Rev. Stat. § 42-101 (1993) (emphasis added). **See also** Neb. Rev. Stat. § 42-103 (voiding marriages between brother and sister, uncle and niece, and aunt and nephew); Neb. Rev. Stat. § 42-109 (requiring marriage ceremonies to include declaration by participants "that they take each other as husband and wife"). The introduction of legislation this year seeking to amend existing law so as to legalize same-sex marriages (LB 1260) also supports this view. Thus, same-sex marriages are not legally recognized in Nebraska.

B. Recognition of Marriages Contracted Outside Nebraska

Although Nebraska does not recognize same-sex marriages within the state, the question remains whether Nebraska must recognize same-sex marriages contracted in another state. Nebraska law provides that "all marriages contracted without this state, which would be valid by the laws of the country in which the same were contracted, shall be valid in all courts and places in this state." Neb. Rev. Stat. § 42-117 (emphasis added).

Despite the use of the term "country" in this statute, it has historically been applied to marriages contracted in other states as well. **See In re Binger's Estate,** 158 Neb. 444, 448, 63 N.W.2d 784 (1954) (applying same statute to Colorado common-law marriage); **Scott v. Scott,** 153 Neb. 906, 908, 46 N.W.2d 627 (1951) (applying same statute to South Dakota marriage); **Allen v. Allen,** 121 Neb. 635, 641, 237 N.W. 662 (1931) (applying same statute to a Colorado marriage); **Staley v. State,** 89 Neb. 701, 702, 131 N.W. 1028 (1911) (applying statute to Iowa marriage; **State v. Hand,** 87 Neb. 189, 192, 126 N.W. 1002 (1910) (applying same statute to Iowa marriage); **Bailey v. State,** 36 Neb. 808, 812, 55 N.W. 241 (1893) (applying statute to Iowa marriage); **Gibson v. Gibson,** 24 Neb. 394, 429, 39 N.W. 450 (1888) (applying same statute to marriage contracted in Illinois).

We would argue that Nebraska law implicitly prohibits recognition of same-sex marriages from other states, based on the commonly understood meaning of the word "marriages" and the use of gender specific terms in Nebraska statutes, as discussed above. Furthermore, the Nebraska Supreme Court has stated, "{E}very marriage statute is to be interpreted in harmony with the common law theretofore existing and as superseding it only to the extent required by its express terms or necessary operation." **Christensen v. Christensen,** 144 Neb. at 767. Clearly, same-sex marriages were not recognized at common law. **See also Singer v. Hara,** 522 P.2d 1187, 1192 (Wash. App. 1974) ("same-sex relationships are outside of the proper definition of marriage"); **Jones v. Hallahan,** 501 S.W.2d 588, 589 (Ky. 1973) ("marriage has always been considered as the union of a man and a woman"); **Anonymous v. Anonymous,** 67 Misc.2d 982, 325 N.Y.S.2d 499, 500 (1971) ("Marriage is and always has been a contract between a man and a woman."). **See also** Op. Att'y Gen. of Maine No. 84-28

("it is a fundamental premise that marriage can occur only between persons of the opposite sex"); Op. Att'y Gen. of Kansas No. 77-248 ("The law makes no provision for a 'marriage' between persons of the same sex. Marriage is and always has been a contract between a man and a woman. . . .").

Nonetheless, there is a very real possibility the Nebraska Supreme Court could hold otherwise. The terms of Neb. Stat. Rev. § 42-117 are broad and facially all-inclusive. Just as there is no specific provision excluding recognition of out-of-state incestuous or underage marriages (both of which are void if contracted in Nebraska), there is no provision excluding recognition of out-of-state same-sex marriages.

Significantly, an issue arguably similar to the one presented by your request has been addressed previously by the Nebraska Supreme Court. In **State v. Hand,** 87 Neb. 189 (1910), a man and a woman were charged with the crime of fornication. The court's opinion notes that they were prohibited from marrying under Nebraska law. The two had traveled to Iowa to celebrate their marriage "for the express purpose of evading the laws of the State of Nebraska." **Id.** at 189-190. After their marriage in Iowa, they returned to Nebraska. The court found that "by the laws of Iowa the marriage of defendants when consummated there was lawful in that state." **Id.** at 190. At issue was whether the marriage would be legally recognized in Nebraska. The court stated,

> In **Van Voorhis v. Brintnall,** 86 N.Y. 18, in the syllabus, the court say{s}: "The validity of a marriage contract is to be determined by the law of the state where it was entered into; if valid there it is to be recognized as such in the courts of this state, unless contrary to the prohibitions of natural law, or the express prohibitions of a statute. While every state can regulate the status of its own citizens, in the absence of express words, a legislative intent to contravene the jus gentium under which the question of the validity of a marriage contract is referred to the lex loci contractus cannot be inferred; the intent must find clear and unmistakable expression." The court cited **Medway v. Needham, supra,** and also quoted from **Putnam v. Putnam,** 8 Pick. (Mass.) 433, the following: "If it shall be found inconvenient, or repugnant to sound principle, it may be expected that the legislature will explicitly enact that marriages contracted within another state, which if entered into here would be void, shall have no force within this commonwealth." Acting on that idea, Massachusetts subsequently enacted a law as follows: "When persons resident in this state, in order to evade the preceding provisions and with an intention of returning to reside in this state, go into another state or country and there have their marriage solemnized, and afterward return and reside here, the marriage shall be deemed void in this state." (Gen. St. 1860, ch. 106, sec. 6.) After the passage of that law, the supreme court of **Massachusetts in Commonwealth v. Lane,** 113 Mass. 458, in an opinion by Mr. Chief Justice Gray, on page 464, say{s}: "A marriage which is prohibited here by statute, because contrary to the policy of our laws, is yet valid if celebrated elsewhere according to the laws of

> the place, even if the parties are citizens and resident of this commonwealth, and have gone abroad for the purpose of evading our laws, unless the legislature has clearly enacted that such marriages out of the state shall have no validity here. This has been repeatedly affirmed by well-considered decisions." And this seems to be the overwhelming weight of the better reasoned cases on the subject.

Id. at 191-192 (emphasis added). Thus, in the context of the **Hand** case, the Nebraska Supreme Court stated that marriages which are void in Nebraska and which are contracted in another state purposely to evade Nebraska law and public policy are nonetheless valid in Nebraska unless the legislature expressly provides to the contrary. The Court further stated,

> We do not question the power of a state to pass a law similar to that passed by Massachusetts, as hereinbefore set out, but our legislature has not seen fit to do so. On the contrary, section 5316 Ann. St. 1907, provides: "All marriages contracted without this state, which would be valid by the laws of the country in which the same were contracted, shall be valid in all courts and places in this state." **See Gibson v. Gibson,** 24 Neb. 394, **Bailey v. State,** 36 Neb. 808; **Hills v. State,** 61 Neb. 589.

Id. at 192 (emphasis added). Thus, the Nebraska Supreme Court has specifically noted the broad language of the Nebraska statute, and stated that specific legislation would be necessary to carve out exceptions for marriages that are contrary to the policy expressed in Nebraska law. **See also Staley v. State,** 89 Neb. at 702 (marriage of first cousins in Iowa must be recognized in Nebraska).

Consequently, it is possible the Nebraska Supreme Court could hold that Neb. Rev. Stat. § 42-117 requires Nebraska to recognize same-sex marriages contracted in Hawaii or other states if such marriages were legally valid in those states.

II. Whether Nebraska Would be Required to Honor a Same-Sex Marriage License From Another State if Legislation was Adopted Prohibiting Recognition of Such Marriages Either Before or After Such Marriages Were Legalized in the Other State.

As your question implies, the Nebraska Legislature could adopt legislation to specifically prohibit recognition of same-sex marriages, either before or after another state legalizes such marriages. The issue is whether such action by Nebraska would violate any provision of the United States Constitution, such as the Full Faith and Credit Clause or the Equal Protection Clause.

This precise issue was recently addressed by the Attorney General of Tennessee in Opinion No. 96-016 (February 13, 1996). The opinion examined the constitutionality of Tennessee Senate Bill 2305 which declares that same-sex marriages entered into in another state are void in Tennessee. That opinion states as follows:

> Article IV, Section 1 of the United States Constitution, the Full Faith and Credit Clause, states that "Full Faith and Credit shall be

given in each State to the public acts, Records and judicial Proceedings of every other State." This provision, however, does not mean that every legal action taken in another state will override a conflicting Tennessee public policy and be recognized as legal in this state.

Prima facie, every state is entitled to enforce in its own courts its own statutes, lawfully enacted. One who challenges that right, because of the force given to a conflicting statue of another state by the Full Faith and Credit Clause, assumes the burden of showing, upon some rational basis, that of the conflicting interests involved those of the foreign state are superior to those of the forum. It follows that not every statute of another state will override a conflicting statute of the forum by virtue of the Full Faith and Credit Clause. . . . **Alaska Packers Ass'n v. Industrial Accident Commission of California,** 294 U.S. 323, 547-48, 55 S.Ct. 518, 523 (1935). **See also Sun Oil Co. v. Wortman,** 486 U.S. 717, 722, 108 S.Ct. 2117, 2122, 100 L.Ed.2d 743 (1988) (Full Faith and Credit does not compel one state to substitute statutes of other states for its own statutes dealing with subject matter with which it is competent to legislate); Herman, The Fusion of Gay Rights and Feminism: Gender Identity and Marriage after **Baehr v. Lewis,** 56 Ohio State L. Rev. 985, 991 n.25 (1995) (observing that in family law questions the United States Supreme Court seems to balance the forum state's public policy interests against the interests of comity).

. . .

Section 1 of Senate Bill 2305 states:

(a) It is hereby declared to be the public policy of this state to recognize the union only of a man and woman. No same sex marriage shall be recognized as entitled to the benefits of marriage.

(b) Marriages between persons of the same sex are prohibited in this state. Any marriage entered into by persons of the same sex, where such license is issued by another state or foreign jurisdiction, shall be void in this state and any contractual rights granted by virtue of such license, including its termination, shall be unenforceable in the courts of this state.

If enacted into law and if not unconstitutional on some other ground, Senate Bill 2305 would probably provide the expression of state public policy necessary to justify an exception to the Full Faith and Credit Clause so that this state would not be required to recognize the validity of a same-sex marriage obtained in another jurisdiction.

Id. (emphasis added). The Tennessee opinion also noted that Utah has already adopted a similar statute. See Utah Code Ann. § 30-1-4 (according to recent news reports, South Dakota has also adopted a similar statute).

The Tennessee opinion next examined the proposed statute under the Equal Protection Clause and noted that "no court has recognized a fundamental right under the federal constitution for persons of the same-sex to marry." **Id.** The opinion agreed with the Washington Court

of Appeals which specifically held that refusal to recognize same-sex marriage did not violate that state's equal rights amendment since the failure to recognize same-sex marriages "is based upon the state's recognition that our society as a whole views marriage as the appropriate desirable forum for procreation and the rearing of children." **Singer v. Hara,** 522 P.2d at 1197. Along this same line, we note that the Singer court also stated, "

> The institution of marriage is a union of man and woman, uniquely involving the procreation and rearing of children within a family, is as old as the book of Genesis. . . . This historic institution manifestly is more deeply founded than the asserted contemporary concept of marriage and societal interests for which petitioners contend. The due process clause of the Fourteenth Amendment is not a charter for restructuring it by judicial legislation.
>
> . . .
>
> The equal protection clause of the Fourteenth Amendment, like the due process clause, is not offended by the state's classification of persons authorized to marry.

Id. at 1197 (quoting **Baker v. Nelson,** 191 N.W.2d at 186).

We agree with the reasoning of the Tennessee opinion and the court decisions cited therein. We conclude Nebraska could validly enact legislation expressly refusing to recognize same-sex marriages before another state legalizes such marriages. **See State v. Hand,** 87 Neb. at 191-192 ("We do not question the power of a state to pass a law similar to that passed by Massachusetts {voiding marriages contracted in other states for the purpose of evading Massachusetts law}).

Similar arguments could be made to support the validity of legislation enacted after legalization of same-sex marriages in another state. However, after-the-fact adoption could make such a statute more difficult to defend since it would clearly be aimed at the law of a particular sister state. The State would also be in the position of expressing the public policy supporting such a law in a reactionary context. Furthermore, Nebraska would likely be faced with the practical problem of having at least some citizens with marriage licenses valid in another state which arguably would also be valid under Nebraska law. Although the Nebraska Supreme Court has noted the "state's vital interest in the institution of marriage . . . and the state's plenary power to fix the conditions under which the marital status may be created or terminated. . . .", **Buchholz,** 197 Neb. at 183, retroactively invalidating same-sex marriage licenses, or refusing to extend similar benefits to similarly situated individuals could create additional legal arguments and litigation. **See Williams et al. v. State of North Carolina,** 325 US. 226, 65 S.Ct. 1092, 112 (1945) (Black, J. dissenting).

Conclusion

Same-sex marriages are not recognized under Nebraska law. As to whether Nebraska must recognize same-sex marriages contracted in Hawaii or other states, we would argue that same-sex marriages are not "marriages" as that term is used in Neb. Rev. Stat. § 42-117 which provides that all "marriages" from foreign jurisdictions are valid in

Nebraska. There is, however, a grave danger that under § 42-117, the Nebraska Supreme Court might well recognize same-sex marriages performed in Hawaii as being valid in Nebraska, even though this result is not required under the U.S. Constitution.

Secondly, we conclude Nebraska could validly enact legislation expressly refusing to recognize same-sex marriages, before another state legalizes such marriages. We believe such legislation could be defended against a constitutional challenge. As a leading case in this area of law stated, "The institution of marriage is a union of man and woman . . . {and} is as old as the book of Genesis . . . This historic institution manifestly is more deeply founded than the asserted contemporary concept of marriage and societal interests {contended by same-sex couples}. The due process clause {like the equal protection clause} . . . is not a charter for restructuring it by judicial legislation." **Singer v. Hara,** 522 P.2d at 1197 (quoting **Baker v. Nelson,** 191 N.W.2d at 186).

The legislature may also be able to enact such legislation after legalization of same-sex marriages in another state. However, after-the-fact adoption could raise a number of additional legal problems, and would likely make defense of such a statute more difficult.

Accordingly, we strongly recommend that the Legislature act yet this session if it wishes to prevent same-sex couples "married" in another state from having that arrangement legally recognized in Nebraska.

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

3-2357-3

MESSAGE FROM THE GOVERNOR

March 25, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 906, 938, 1041, 1047, 1048, 1072, 1073, 1122, 1123, 972, and 1028 were received in my office on March 22, 1996.

These bills were signed by me on March 25, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

RESOLUTIONS

LEGISLATIVE RESOLUTION 369. Introduced by Schrock, 38.

PURPOSE: The purpose of this resolution is to study the licensing of outfitters and professional guides and the creation of a Board of Outfitters and Professional Guides to insure that Nebraska can maximize the benefits of economic development and tourism connected with outfitter and professional guide services and minimize the risks connected with such services for the consumer.

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

1. That the Agriculture Committee and the Natural Resources Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 370. Introduced by Landis, 46.

PURPOSE: The State of Nebraska now requires pawnbrokers to provide to a city or village specific information related to the purchase of second-hand goods, including an accurate description of the property purchased or received, the identification of the seller, and the identification of the clerk or agent who handled the transaction.

Many different types of dealers now exist who specialize in second-hand goods, including jewelry, athletic equipment, coins, electronic equipment, car parts and accessories, video equipment, guns, household goods, precious metals, antiques, and more. As these dealers are not now required to maintain the types of records routinely required of pawnbrokers, dealers in second-hand goods may unwittingly provide a market for the disposal of stolen property. This study will determine whether or not to require the extension of record providing responsibilities to additional types of dealers in second-hand goods.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 371. Introduced by Building Maintenance Committee: Lynch, 13, Chairperson; Coordsen, 32; Cudaback, 36; Janssen, 15; Vrtiska, 1; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine the rehabilitation and maintenance needs of the Governor's mansion. The study shall include, but not be limited to:

1. An inventory of needed rehabilitation and maintenance projects and the estimated cost for each project;

2. An historical summary of past rehabilitation and maintenance projects and their sources of funding; and

3. An examination of possible funding sources for future projects.

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

1. That the Committee on Building Maintenance of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion 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 299. Mr. Will withdrew his amendment, AM3839, found in the Journal on page 1323.

Messrs. Will, Lindsay, and Mrs. Bohlke offered the following amendment to the Standing Committee amendment:
FA575

To strike the Brown amendment as amended by the Lindsay amendment (AM3922) and insert the following new section:

Sec. 6. It is the intent of the Legislature that any reductions in a school district budget, made to comply with the budget limitation in Section 2 of this act, affect classroom expenses as a last resort.

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

The Will-Lindsay-Bohlke amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

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

The Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 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.

AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 1321:
AM4081

1. Insert the following new sections:

"Sec. 2. Section 77-1858, Reissue Revised Statutes of Nebraska, is amended to read:

77-1858. Wherever power is now given by the revenue laws of this state to the county treasurer of any county in this state to sell real estate, on which the taxes ~~shall not~~ have not been paid as provided by law, it shall include the power to sell ~~said~~ the real estate for (1) all the taxes and special assessments, except special assessments levied by a sanitary and improvement district organized under sections 31-727 to 31-762, levied or hereafter levied by any county, municipality, drainage district, or other political subdivision of the state~~, and all~~ and (2) all special assessments levied or hereafter levied by any sanitary and improvement district if such sale is requested by such sanitary and improvement district which levied the special assessment. All provisions of ~~said~~ the revenue law now in force with reference to the collection of taxes shall apply with equal force to all taxes and special assessments levied by ~~said~~ such county, municipality, drainage district, or other political subdivision of the state.

Sec. 3. Section 77-1901, Reissue Revised Statutes of Nebraska, is amended to read:

77-1901. Counties shall have a lien upon real estate within their boundaries for all taxes due thereon to the state, any governmental subdivision of the state, any municipal corporation, and any drainage or irrigation district. After any parcel of real estate has been offered for sale and not sold for want of bidders, the county board shall make and enter an order directing the county attorney to foreclose the lien for all taxes then delinquent, excluding any lien on real estate for special assessments levied by any sanitary and improvement district which real estate has not been previously offered for sale by the county treasurer, in the

same manner and with like effect as in the foreclosure of real estate mortgages, except as otherwise specifically provided by sections 77-1903 to 77-1917.

Sec. 4. Section 77-1902, Reissue Revised Statutes of Nebraska, is amended to read:

77-1902. When land has been sold for delinquent taxes and a tax sale certificate or tax deed has been issued, the holder of such tax sale certificate or tax deed may, instead of demanding a deed or, if a deed has been issued, by surrendering the same in court, proceed in the district court of the county in which the land is situated to foreclose the lien for taxes represented by the tax sale certificate or tax deed and all subsequent tax liens thereon, excluding any lien on real estate for special assessments levied by any sanitary and improvement district which real estate has not been previously offered for sale by the county treasurer, in the same manner and with like effect as in the foreclosure of a real estate mortgage, except as otherwise specifically provided by sections 77-1903 to 77-1917. Such action shall only be brought within six months after the expiration of three years from the date of sale of any real estate for taxes or special assessments.".

2. On page 6, line 8, after the comma insert "77-1858, 77-1901, and 77-1902,"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Hartnett filed the following amendment to LB 1321:
AM4082

1. Insert the following new section:

"Sec. 3. The following sections are outright repealed: Sections 31-701 to 31-704, 31-705.01, 31-706, 31-708 to 31-710, and 31-711.01 to 31-726, Reissue Revised Statutes of Nebraska, section 31-726.01, Revised Statutes Supplement, 1994, and sections 31-705, 31-707, and 31-711, Revised Statutes Supplement, 1995.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 372. Introduced by Robinson, 16.

PURPOSE: The purpose of this resolution is to study the filing of frivolous, harassing, or unwarranted claims or complaints against individual aerial spray applicators under various federal or state regulations. The study will include the cost incurred by government in the investigation and disposal of frivolous, harassing, or unwarranted claims or complaints.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 373. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The purpose of this resolution is to review and evaluate the Schools' TeleLearning Service and the Japanese Distance Learning Program which are administered by the State Department of Education in partnership with the Nebraska Educational Telecommunications Commission. The study shall include, but not limited to:

(1) A review of the current and historical funding, utilization, cost effectiveness, and administration of the Schools' TeleLearning Service;

(2) A review of the current and historical funding, utillization, cost effectiveness, and administration of the Japanese Distance Learning Program and Nebraska's participation in the Satellite Educational Resources Consortium;

(3) An examination of projected future funding needs, utilization, and administrative responsibility for the Schools' TeleLearning Service and the Japanese Distance Learning Program; and

(4) An examination of the future viability of alternative delivery mechanisms for the Schools' TeleLearning Service and the Japanese Distance Learning Program.

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

1. That the Education and Appropriations Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution in cooperation with the State Department of Education and the Nebraska Educational Telecommunications Commission.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: To conduct a study in conjunction with the Criminal Justice Information Systems (CJIS) Advisory Committee of the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) relating to improving methods of sharing data and

information technology among Nebraska's diverse criminal justice agencies. The study will focus on the development of a strategic plan, data standards, and architecture to promote the most cost effective use of state and local dollars and resources, while promoting and maximizing the use and transfer of both existing data and technology and possible new linkages between state and local criminal justice agencies in Nebraska, and will recommend possible strategic and legislative actions or initiatives.

In 1987, the Legislature created the Nebraska Intergovernmental Data Communications Advisory Council (NIDCAC) to examine issues pertaining to the efficient collection, use, and exchange of information among state agencies. NIDCAC created a criminal justice subcommittee whose membership was broadly representative of state and local criminal justice entities. The CJIS subcommittee submitted an action plan in September 1994 and recommended that the Crime Commission create an advisory committee on CJIS. The Crime Commission officially created the CJIS Advisory Committee in December 1994. The CJIS Advisory Committee has recognized and is undertaking efforts relating to improvement of criminal justice information transfer and coordination.

A need exists to preserve work already completed on strategic statewide projects such as the Automated Fingerprint Identification System (AFIS), the Nebraska Criminal History Project (NCHIP), and the Court JUSTICE System. Coordination of efforts and sharing of resources or consolidating and coordinating criminal justice approaches and systems are expected to result in improvements at the agency, data, and fiscal level for both state and local entities. The study will focus not on hardware acquisition, software procurement, or development of new systems but instead on the transfer of data among existing systems, alternative approaches, and the identification of steps, processes, and potential legislation necessary to improve current systems and implement a cost effective comprehensive state supported effort.

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

1. That the Appropriations Committee and the Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall conduct the study in cooperation with the CJIS Advisory Committee of the Crime Commission.

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 375. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13; Maurstad, 30; Schrock, 38.

PURPOSE: The intent of the Nebraska Partnership Project, created in Legislative Bill 1044 (1996), restructures five state agencies into three unified agencies whose purpose is to coordinate policy development, service delivery program management, quality assurance, administrative duties, and other support functions. As a result of this substantial reorganization, a process must be established that ensures that the new agencies maintain budgetary accountability to the Legislature.

This study will look at implementing performance-based program budgeting within the Nebraska Partnership Project as the means for maintaining budgetary accountability. Performance-based program budgeting helps an agency develop strategic plans and performance measures to support their budget requests, which also provides a basis for evaluating program efficiency and effectiveness. This study will look at creating a framework that will help the Nebraska Partnership Project articulate its mission and goals and develop implementation plans and measures that are tied to its mission and goals. It will also evaluate possible consequences that the Appropriations Committee may establish during the budgetary process if the Nebraska Partnership Project's goals are or are not met.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1177. Title read. Considered.

Standing Committee amendment, AM3653, printed separately and referred to on page 1167, was considered.

MR. WILL PRESIDING

Messrs. Landis, Chambers, Abboud, Hilgert, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee 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 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mrs. Bohlke and Mr. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 376. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Horseracing is an important industry in the State of Nebraska. Studies have indicated that it has more than $250 million in economic impact in the state. For the first time since 1935, there is no live racing scheduled to take place in the year of 1996 in Douglas County. There are concerns about whether other racetracks in the state will be able to continue to conduct live racing in the future if handle and attendance continue to decline as they have in the last few years. This study shall include but not be limited to examination of the following:

1. Whether off-track wagering or expanded simulcasting can provide the revenue needed to support live racing;

2. Whether statutory changes are needed to clarify issues relating to simulcasting in relation to live racing in Nebraska;

3. The impact of other forms of gaming, both in and outside the state, on live horseracing in Nebraska;

4. Whether it is appropriate to develop expanded gaming opportunities at licensed racetracks in order to increase revenue for horseracing and attract additional fans to the sport;

5. Whether licensed racetracks conduct live racing on an appropriate schedule to facilitate live racing in the state in relation to factors of population, weather, and availability of horses; and

6. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 377. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: Gaming has expanded greatly in recent years in the states which border Nebraska. Recent studies indicate that more than $200 million this year will be lost by Nebraskans at gambling facilities in neighboring states. This includes casinos at racetracks, riverboat casinos, casinos on Native American reservations, and wagering at video lottery terminals. Gaming in bordering states has a serious impact on many activities in the State of Nebraska and raises the issue of an appropriate response by the State of Nebraska. This study shall include but is not limited to examination of the following:

1. The impact on horseracing in the State of Nebraska;
2. The impact on charitable gaming, county and city lotteries, or the state lottery;
3. The impact on other businesses in the State of Nebraska, including, but not limited to, restaurants, licensed liquor establishments, and recreational facilities;
4. Whether state laws should be changed to respond to expanded gaming in other states; and
5. Any other matters necessary or appropriate for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 378. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Elmer, 44; Hartnett, 45; Hudkins, 21; Robinson, 16; Will, 8.

PURPOSE: In 1993, the Nebraska Supreme Court ruled in Kwik Shop v. City of Lincoln that LB 781, Laws 1989, which provided authority to local governments to issue or deny retail liquor licenses, was unconstitutionally vague and therefore constituted an impermissible delegation of legislative authority. The Attorney General has issued an opinion that LB 183, Laws 1993, is unconstitutional, based upon the same reasoning as the Kwik Shop case. These rulings may cause confusion about the status of the law currently applicable to various aspects of licensing and regulation of retail liquor sales. Legislation has been introduced in each of the last three sessions to respond to this

issue, LB 1085 in 1994, LB 355 in 1995, and LB 1045 in 1996. Both LB 355 and LB 1045 have been advanced to General File by the General Affairs Committee. Although it appears that many issues have been resolved regarding the process of licensing retail liquor establishments, there are several differences between the two bills which are currently on General File which should be considered prior to enactment of legislation in this regard. This study shall include but not be limited to examination of the following:

1. Roles of the Nebraska Liquor Control Commission and local governing bodies in relation to licensing, suspension, and revocation of retail liquor licenses;

2. Appropriate procedures to gather public input and conduct hearings and appeals concerning licensing, suspension, and revocation of retail liquor licenses;

3. Appropriate amounts of license fees and occupation taxes; and

4. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

GENERAL FILE

LEGISLATIVE BILL 1059. Title read. Considered.

Standing Committee amendment, AM3165, found in the Journal on page 892, was considered.

Mrs. McKenzie, Messrs. Wickersham, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA577

Amend Committee Amend (AM3165)

Strike subsection (5) and add a new "Section 3" and renumber:

"Sec. 3. Regional and community representatives shall be involved at all stages in the implementation of this legislative bill."

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

Mr. Chambers withdrew his amendment.

SPEAKER WITHEM PRESIDING

Mr. Wesely offered the following amendment to the Standing Committee amendment:
FA578
Amend Committee Amend (AM3165)
Strike subsection (5) and add a new "Section 3" and renumber:
"Sec. 3. Regional and community representatives shall be involved at all stages in the implementation of this legislative bill."

Messrs. Jones and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?"

Mrs. Brown moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Chair called for a roll call vote on the motion to cease debate.

Voting in the affirmative, 27:

Avery	Engel	Lynch	Schellpeper	Wesely
Brashear	Fisher	Matzke	Stuhr	Wickersham
Brown	Hilgert	Maurstad	Vrtiska	Will
Coordsen	Jensen	Pirsch	Warner	Witek
Dierks	Klein	Robinson	Wehrbein	Withem
Elmer	Kristensen			

Voting in the negative, 4:

Chambers	Crosby	Cudaback	Robak

Present and not voting, 9:

Bernard-Stevens	Hartnett	Janssen	Preister	Schmitt
	Hillman	Lindsay	Schimek	Schrock

Excused and not voting, 9:

Abboud	Bohlke	Hudkins	Landis	Pedersen
Beutler	Bromm	Jones	McKenzie	

The motion to cease debate prevailed with 27 ayes, 4 nays, 9 present and not voting, and 9 excused and not voting.

The Wesely amendment was adopted with 30 ayes, 3 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 4 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA579
On page 3, line 1, after "that", insert "insubstantial"; and in line 8, after "on", insert "insubstantial"

Messrs. Dierks and Schrock 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 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Avery	Cudaback	Lindsay	Robak	Vrtiska
Chambers	Kristensen	Pedersen	Robinson	Will
Crosby				

Voting in the negative, 16:

Beutler	Fisher	Matzke	Schimek	Wesely
Brashear	Hillman	Pirsch	Warner	Wickersham
Elmer	Janssen	Schellpeper	Wehrbein	Withem
Engel				

Present and not voting, 13:

Brown	Hilgert	Klein	Preister	Stuhr
Coordsen	Hudkins	Lynch	Schmitt	Witek
Hartnett	Jensen	Maurstad		

Excused and not voting, 9:

Abboud	Bohlke	Dierks	Landis	Schrock
Bernard-Stevens	Bromm	Jones	McKenzie	

The Chambers amendment lost with 11 ayes, 16 nays, 13 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

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

MESSAGES FROM THE GOVERNOR

March 25, 1996

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:
Gary J. Pavel, P.O. Box 9, Osmond, NE 68765
Alice M. Kindschuh, P.O. Box 324, West Point, NE 68788
Dr. Rob Rhoades, Lincoln Family Practice, 4601 F Street, Lincoln, NE 68510
Diane Schlotman, RR 1, Box 23, Milford, NE 68405

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

March 25, 1996

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 State Board of Health.

APPOINTEE: Connie J. Day, 609 East Maple Street, Norfolk, NE 68701

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

March 25, 1996

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 Motor Vehicle Industry Licensing Board.

APPOINTEES:
Charles T. Grimsley, 9714 Ascot, Omaha, NE 68114
Paula L. Wolfson-Kessler, 12806 Jackson Street, Omaha, NE 68154

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

March 25, 1996

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 for the Hearing Impaired.

APPOINTEES:
Phyllis J. Johnson, 608 Norman Ave, Crete, NE 68333
Dr. Jerry W. Zenor, 4221 Bedford, Omaha, NE 68111

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 1188:
AM4091
(Amendments to Standing Committee amendments, AM3278)
1. On page 4, line 8, after the period insert "If no decision is made within fifteen days after the date an application is received, then the application shall be deemed complete by the entity that fails to make the determination.".

Mr. Will filed the following amendment to LB 1188:
AM4092
(Amendments to Standing Committee amendments, AM3278)
1. On page 6, line 8, after the period insert "If the department does not approve or disapprove the application within sixty days, the application shall be deemed approved.".

Mr. Vrtiska filed the following amendment to LB 1248:
AM4107
1. In the Vrtiska amendments, AM3739, on page 1, line 7, strike "viable" and insert "unobligated".
2. In the E & R amendments, AM7215, on page 3, line 3, strike "viable" and insert "unobligated".

Mr. Wehrbein filed the following amendment to LB 1059:
FA576
Strike 1998 on line 13, page 3 and insert 1999.
Strike 1998 on page 12, page 42 and insert 1999.

Mr. Maurstad filed the following amendment to LB 1276:
AM4110
1. On page 4, lines 7 and 25, strike "A" and insert

"Subject to any existing security interest in the property, a".

2. On page 5, line 26, after "property" insert "or a holder of a security interest in the property".

3. On page 9, line 2, after "ownership" insert "or the existence of a security interest".

Mr. Kristensen filed the following amendment to LB 323:
AM4106

1. Strike original section 3.

2. On page 16, line 19, strike "sections" and insert "section" and strike "and 60-4,146".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Hilgert filed the following amendment to LB 1059:
FA580

On page 3, line 9, after "administrative", strike "and program cost savings and other," and in line 11, after "local", strike "services" insert "service delivery systems."

MOTION - Return LB 700 to Select File

Mr. Wickersham moved to return LB 700 to Select File for his specific amendment, AM3880, found in the Journal on page 1312.

The Wickersham motion to return prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 700. The Wickersham specific amendment, AM3880, found in the Journal on page 1312, was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 700A to Select File

Mr. Wickersham moved to return LB 700A to Select File for his specific amendment, AM3934, found in the Journal on page 1356.

The Wickersham motion to return prevailed with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 700A. The Wickersham specific amendment, AM3934, found in the Journal on page 1356, was adopted with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 948

Mrs. Pirsch withdrew the Pirsch et al. amendment, AM3012, printed separately and referred to on page 877, to LB 948.

Mr. Chambers withdrew his amendments, FA496 through FA520, found in the Journal on pages 1100 through 1103, to LB 948.

MOTION - Return LB 948 to Select File

Mrs. Pirsch moved to return LB 948 to Select File for the Pirsch et al. specific amendment, AM3842, printed separately and referred to on page 1312.

The Pirsch motion to return prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 948. The Pirsch et al. specific amendment, AM3842, printed separately and referred to on page 1312, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

UNANIMOUS CONSENT - Member Excused

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

WITHDRAW - Amendment to LB 1039

Mr. Warner withdrew his amendment, AM3564, found in the Journal on page 1093, to LB 1039.

MOTION - Return LB 1039 to Select File

Mr. Warner moved to return LB 1039 to Select File for his specific amendment, AM3885, found in the Journal on page 1303.

The Warner motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1039. The Warner specific amendment, AM3885, found in the Journal on page 1303, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 1188:
AM4058

(Amendments to Standing Committee amendments, AM3278)

1. On page 5, line 23, strike "ninety" and insert "sixty".

Mr. Hilgert filed the following amendment to LB 1188:
AM4059

(Amendments to Standing Committee amendments, AM3278)

1. On page 7, strike beginning with "Whether" in line 17 through "(11)" in line 21.

Messrs. Kristensen, Wickersham, Matzke, and Mrs. Hillman filed the following amendment to LB 1306:
AM4117

1. Insert the following new section:

"Sec. 2. Section 60-6,298, Revised Statutes Supplement, 1995, is amended to read:

60-6,298. (1)(a) The Department of Roads or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special permit or a continuous permit in writing authorizing the applicant or his or her designee:

(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:

(A) To further the national defense or the general welfare;

(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(C) Because of an emergency, an unusual circumstance, or a very special situation;

(ii) To operate vehicles, for a distance up to ~~seventy~~ one hundred twenty miles, loaded up to fifteen percent greater than the maximum weight specified by law, up to ten percent greater than the maximum length specified by law, except that until June 1, 1997, for a truck-tractor semitrailer trailer combination utilized

to transport sugar beets which may be up to twenty-five percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. Except for farm trucks as provided in subdivision (b) of this subsection, no permit shall authorize a weight greater than twenty thousand pounds on any single axle; or

(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except that the permit shall not allow transport on holidays.

(b) Any farm truck as defined in section 60-301 with not more than two axles may operate with a special permit for a distance of up to forty miles with an excess axle load of not more than five percent in excess of the maximum load permitted for a single axle by section 60-6,294 when such truck is being used for carrying grain or other seasonally harvested products from the field where such grain or products are harvested to storage, market, or stockpile in the field, except that such truck shall not operate on the National System of Interstate and Defense Highways.

(c) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use on all highways, including the National System of

Interstate and Defense Highways. The permits are subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local authority may otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety. The department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii), (1)(a)(iii), and (1)(b) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed ten dollars, except that:

(a) The fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivisions (1)(a)(ii) and (1)(b) of this section shall be twenty-five dollars for a thirty-day permit and fifty dollars for a sixty-day permit. Permits issued pursuant to such subdivisions shall be valid for thirty days or sixty days and shall be renewable for a total number of days not to exceed one hundred and twenty days per year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331 for the maximum gross vehicle weight that is permitted pursuant to section 60-6,294 before a permit shall be issued except as provided in subdivision (1)(b) of this section.".

2. On page 8, line 13, strike "is" and insert "and section 60-6,298, Revised Statutes Supplement, 1995, are".

Messrs. Maurstad and Robinson filed the following amendment to LB 1276:

AM4118

1. Insert the following new sections:

"Sec. 14. Section 71-6403, Revised Statutes Supplement, 1994, is amended to read:

71-6403. (1) There is hereby created the state building code. The Legislature hereby adopts by reference:

(a) The Uniform Building Code, 1991 edition, Chapters 1, 4 through 30, 32 through 56, and 60, and the Uniform Building Code Standards, 1991 edition, published by the International Conference of Building Officials; ~~and~~

(b) The CABO One and Two Family Dwelling Code, 1992 edition; and

(c) The Uniform Code for Building Conservation.

(2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act.

(3) Whenever a new edition of ~~either of~~ the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

(4) A political subdivision may continue to administer, enforce, and update the code endorsed by the Building Officials and Code Administrators International, Inc., if such code was adopted by the political subdivision prior to September 9, 1993.

Sec. 15. Section 71-6405, Revised Statutes Supplement, 1994, is amended to read:

71-6405. All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the

Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the Uniform Building Code, ~~or~~ the CABO One and Two Family Dwelling Code, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Sec. 16. Original sections 71-6403 and 71-6405, Revised Statutes Supplement, 1994, are repealed.".

2. On page 2, line 1, strike "This" and insert "Sections 1 to 13 of this".

3. On page 4, lines 7 and 25, strike "A" and insert "Subject to any existing security interest in the property, a".

4. On page 5, line 26, after "property" insert "or a holder of a security interest in the property".

5. On page 9, line 2, after "ownership" insert "or the existence of a security interest".

6. Insert underscoring in sections 1 to 13.

VISITORS

Visitors to the Chamber were Annie Miller from Lincoln; and Representative Bill Barrett and wife, Elsie, and Bruce Reeker.

ADJOURNMENT

At 8:26 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 8:30 a.m., Tuesday, March 26, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTIETH DAY - MARCH 26, 1996

LEGISLATIVE JOURNAL

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LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mr. Warner presiding.

PRAYER

The prayer was offered by Pastor Daniel Gonnerman, Faith Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Beutler, Bromm, Chambers, Coordsen, Kristensen, Landis, Lindsay, Pedersen, Robinson, Schellpeper, Schmitt, Will, Withem, Mmes. Bohlke, Hillman, McKenzie, Pirsch, Robak, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

SELECT FILE

LEGISLATIVE BILL 1039A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1108A. E & R amendment, AM7245, found in the Journal on page 1302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 496. Mr. Wesely renewed his pending amendment, AM3852, found in the Journal on page 1321.

MRS. CROSBY PRESIDING

The Wesely amendment was adopted with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 496A. E & R amendment, AM7223, found in the Journal on page 1105, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 633. E & R amendment, AM7239, found in the Journal on page 1280, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 383. Advanced to E & R for engrossment.
LEGISLATIVE BILL 965. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1139. Mr. Beutler offered the following amendment:
AM4122
1. On page 2, lines 6 and 9; and page 3, line 14, after "university" insert "in this state".

The Beutler amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 932. E & R amendment, AM7244, found in the Journal on page 1302, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1082. Mrs. Pirsch and Mr. Lynch withdrew their amendments, AM3923, AM3925, and AM3924, found in the Journal on page 1329.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 373. E & R amendment, AM7252, found in the Journal on page 1471, was adopted.

Mr. Dierks offered the following amendment:
AM4012
1. Strike original section 4 and all amendments thereto.
2. On page 2, line 9, before "physician" insert "pharmacist, a dentist, a physical therapist, an occupational therapist, a"; and in lines 11 and 12 strike the new matter.

3. On page 3, line 14, strike the new matter; and in line 15 strike the new matter, strike "or" and show as stricken, and after "psychiatry" insert ", pharmacy, dentistry, physical therapy, or occupational therapy".

4. On page 5, line 5, before "71-5668" insert "and" and strike the last "and"; and in line 6 strike "71-5669,".

5. Renumber the remaining section accordingly.

The Dierks amendment was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 373A. E & R amendment, AM7253, found in the Journal on page 1471, was adopted.

Mr. Dierks offered the following amendment:
AM4040

1. On page 2, lines 2 and 3, after "Fund" insert "and $90,000 from the Department of Health Cash Fund".

2. In the Dierks amendment, AM3762, on page 1, line 4, strike "balance" and insert "and cash fund balances" and strike "is" and insert "are".

The Dierks amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 233. E & R amendment, AM7259, found in the Journal on page 1479, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 233A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1011. E & R amendment, AM7257, found in the Journal on page 1479, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1161. Advanced to E & R for engrossment.
LEGISLATIVE BILL 1258. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1276. Mr. Maurstad renewed his pending amendment, AM4110, found in the Journal on page 1508.

The Maurstad amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Messrs. Maurstad and Robinson withdrew their amendment, AM4118, found in the Journal on page 1514.

Messrs. Beutler and Maurstad offered the following amendment:
FA581
Strike Section 7
On lines 22, 23, & 24 of page 6 strike "or dispose of property on loan to the museum without a lender's permission" and insert "loaned property"
On lines 6 and 7 of page 7 strike "to or disposes of property"

The Beutler-Maurstad amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1273. E & R amendment, AM7260, found in the Journal on page 1481, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1273A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1321. Mr. Hartnett renewed his pending amendment, AM4081, found in the Journal on page 1496.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Hartnett renewed his pending amendment, AM4082, found in the Journal on page 1497.

The Hartnett 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 1304. E & R amendment, AM7256, found in the Journal on page 1481, was adopted.

Mr. Robinson renewed his pending amendment, AM3906, found in the Journal on page 1333.

The Robinson amendment was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Witek offered the following amendment:
FA582

1. In the Standing Committee Amendment (AM3208) on page 2, line 4, after the period insert "Nothing herein shall be interpreted as creating an obligation for the city or village to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code."

2. On page 4, line 2, after the period, insert "Nothing herein shall be interpreted as creating an obligation for the county to inspect plumbing work done within its jurisdiction to determine compliance with the plumbing code."

The Witek amendment was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 515. E & R amendment, AM7247, found in the Journal on page 1472, was adopted.

Mr. Landis renewed his pending amendment, AM3994, found in the Journal on page 1403.

The Landis amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 345. Title read. Considered.

Mr. Beutler offered the following amendment:
AM4124

1. On page 2, line 8, strike "1996" and insert "1997";
and in line 28 strike "1996" and insert "1997".

The Beutler amendment was adopted with 28 ayes, 1 nay, 13 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 345A. 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 108. Mr. Dierks renewed his pending amendment, FA553, found in the Journal on page 1296, to the pending Standing Committee amendment.

Messrs. Cudaback, Robinson, Kristensen, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Hilgert 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 21 ayes, 3 nays, and 25 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Coordsen	Hudkins	Pirsch	Schellpeper	Vrtiska
Crosby	Jones	Robak	Stuhr	Witek
Dierks				

Voting in the negative, 21:

Avery	Brashear	Fisher	McKenzie	Schrock
Bernard-Stevens	Bromm	Hillman	Pedersen	Warner
	Brown	Landis	Preister	Wickersham
Beutler	Chambers	Lindsay	Schimek	Will
Bohlke	Elmer			

Present and not voting, 13:

Engel	Janssen	Lynch	Schmitt	Wesely
Hartnett	Jensen	Matzke	Wehrbein	Withem
Hilgert	Klein	Maurstad		

Excused and not voting, 4:

Abboud	Cudaback	Kristensen	Robinson

The Dierks amendment lost with 11 ayes, 21 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

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

Mr. Dierks renewed his pending amendment, FA554, found in the Journal on page 1297, to the Standing Committee amendment.

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

Pending.

BILL ON FIRST READING

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

LEGISLATIVE BILL 1085A. Introduced by Warner, 25; Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996.

RESOLUTIONS

LEGISLATIVE RESOLUTION 379. Introduced by Schellpeper, 18.

PURPOSE: Legislative bills contained in the 1996 Property Tax Reduction Package propose to set spending limits and reduce property tax levies for schools without guaranteeing alternative funding to support necessary programs. This study will look at potential funding alternatives to replace lost property tax revenue in the funding of schools. Potential alternative funding sources to be studied shall include, but not be limited to, the following: Establishing a sales tax on food, establishing a sales tax on services, increasing the rate of state income taxes, reducing sales tax exemptions, changing fees for motor vehicle licensing, and increasing the state sales tax rate.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 380. Introduced by Schellpeper, 18.

PURPOSE: To review procedures for Commercial Driver's License (CDL) renewal in Nebraska and in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 381. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study (1) the new accounting standards issued by the Government Accounting Standards Board, in particular GAS #25 and GAS #27, and (2) the guidance issued by the Actuarial Standards Board on assumptions used in retirement plans. The study shall review the methods for the valuation of assets with the objective of smoothing the impact of investment gains and losses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the long-term funding of the Judges Retirement System. The study shall (1) evaluate the current funding sources, which are member contributions, court fees, and state contributions, (2) review future funding requirements, and (3) recommend revisions as necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the membership of noncertificated school employees in the School Retirement System of the State of Nebraska. The study shall include, but not to be limited to, a review of (1) prior legislation regarding membership in the system, (2) administrative practices and procedures at the local and state level regarding noncertificated school employees, (3) prior opportunities for purchasing of service credit or "buy-back" of service credit, (4) previous and current buy-back provisions affecting noncertificated school employees, and (5) the impact of allowing noncertificated school employees to buy back previous service currently not included in creditable service. The study shall evaluate the funding alternatives for allowing a buy-back opportunity for noncertificated school employees, estimate the range of subsidies which would be provided if payment of less than full actuarial cost is required, and identify funding sources if subsidies are provided.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 384. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the State of Nebraska's financial support of the School Retirement System of the State of Nebraska. The study shall include, but not be limited to, (1) an evaluation of the current level of state contributions into the system, (2) the state support to other state retirement systems, (3) the advantages and disadvantages of increasing state financial support of the school retirement system, (4) the state revenue requirements and local property tax relief due to increased state support of school

employees retirement, and (5) the accountability of retirement contributions under the school state aid formula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 385. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the adjusted supplemental benefit under the School Retirement System of the State of Nebraska. The study shall review (1) the number of retirees currently receiving the adjusted supplemental benefit, (2) the number of people that would receive the adjusted supplemental benefit if increased to various levels, (3) the policy implications of providing postretirement adjustments under the system, and (4) the funding of current and future supplemental benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 386. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the treatment of employees who are rehired after the date of retirement or termination. The study shall include a review of the following:

(1) Current statutory provisions and administrative procedures regarding membership, either voluntary or mandatory, of reemployed members in Nebraska's defined benefit and defined contribution systems;

(2) Current statutory provisions and administrative procedures regarding payment or suspension of benefits to reemployed members under Nebraska's defined benefit and defined contribution systems;

(3) Federal and other states' laws on membership and cessation of retirement benefits for reemployed employees;

(4) Treatment of rehired vested and nonvested members under private defined contribution plans; and

(5) Policy and fiscal implications of restoring forfeited employer accounts for reemployed nonvested members under Nebraska's state and county defined contribution systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 387. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; Robak, 22; Wehrbein, 2; Witek, 31.

PURPOSE: The purpose of this resolution is to study the current funding status of retirement plans in the Nebraska political subdivisions and the implications of such status on future funding requirements by the subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 388. Introduced by Kristensen, 37.

PURPOSE: The purpose of this interim study resolution is to undertake a review and analysis of the federal Telecommunications Act of 1996. Signed into law on February 8, 1996, the act is the first comprehensive rewrite of the Telecommunications Act of 1934 and

prescribes significant changes in the ground rules for competition and regulation in almost every sector of the communications industry.

The study shall examine the act with a focus on the specific role delegated to the states in the advancement of national telecommunications policy and shall consider the need for legislation which implements and defines that role.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 389. Introduced by Kristensen, 37.

PURPOSE: The purpose of this study is to review the constitutional and other legal grounds for noting a candidate's voting record, policy positions, or other such qualifying language on any ballot on which the candidate's name appears.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENTS - Print in Journal

Mr. Warner filed the following amendment to LB 1189:
AM3787

(Amendments to Standing Committee amendments, AM3434)

1. Insert the following new section:

"Sec. 8. STUDY OF LEASES

The state building division of the Department of Administrative Services is directed to conduct cost-benefit analysis of continuing occupancy leases of any building where state agency occupancy exceeds fifty percent of total building lease space, versus the cost of purchase of the building for continued occupancy by state agencies. If any analysis of building lease versus purchase options yields a positive benefit to the state if

the building is purchased, the division is authorized to enter into negotiations to secure the purchase of the building, except that acquisition by means of a multiyear financing agreement shall be subject to the provisions of law specifying the conditions for financing agreements and appropriations related to the acquisition of, and capital improvements to, real property.".

2. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1082:
FA583
Strike the enacting clause.

Mr. Maurstad filed the following amendment to LB 496:
FA584
Strike the enacting clause.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on Governor appointments.

Day, Connie J. - State Board of Health -- Health and Human Services

Grimsley, Charles T. - Motor Vehicle Industry Licensing Board -- Transportation

Johnson, Phyllis J. - Commission for the Hearing Impaired -- Health and Human Services

Kindschuh, Alice M. - Rural Health Advisory Commission -- Health and Human Services

Pavel, Gary J. - Rural Health Advisory Commission -- Health and Human Services

Rhoades, Rob, Dr. - Rural Health Advisory Commission -- Health and Human Services

Schlotman, Diane - Rural Health Advisory Commission -- Health and Human Services

Wolfson-Kessler, Paula L. - Motor Vehicle Industry Licensing Board -- Transportation

Zenor, Jerry W., Dr. - Commission for the Hearing Impaired -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council

Executive Board

GENERAL FILE

LEGISLATIVE BILL 108. The Dierks pending amendment, FA554, found in the Journal on page 1297 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

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

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 12 ayes, 4 nays, and 33 not voting.

Mr. Dierks requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Bohlke	Dierks	Jones	Pirsch	Stuhr
Coordsen	Engel	Klein	Robak	Vrtiska
Crosby	Hudkins	McKenzie	Schellpeper	

Voting in the negative, 19:

Abboud	Beutler	Elmer	Lindsay	Schrock
Avery	Brashear	Fisher	Pedersen	Warner
Bernard-Stevens	Bromm	Hillman	Preister	Wickersham
	Brown	Landis	Schimek	Will

Present and not voting, 14:

Chambers	Hilgert	Lynch	Robinson	Wesely
Cudaback	Janssen	Matzke	Schmitt	Withem
Hartnett	Jensen	Maurstad	Wehrbein	

Excused and not voting, 2:

Kristensen Witek

The Dierks amendment lost with 14 ayes, 19 nays, 14 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Dierks renewed his pending amendment, FA555, found in the Journal on page 1297, to the Standing Committee amendment.

Mr. Beutler moved to invoke cloture on LB 108, pursuant to Rule 7, Section 10.

The Beutler motion to invoke cloture prevailed with 33 ayes, 5 nays, 8 present and not voting, and 3 excused and not voting.

The Dierks amendment, FA555, lost with 8 ayes, 22 nays, 17 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 12 nays, 7 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Mmes. Brown, Hillman, Messrs. Maurstad, Wehrbein, Engel, Schrock, Brashear, and Lynch filed the following amendment to LB 1189:
AM4048

(Amendments to E & R amendments, AM7254)

PURPOSE: To shift transfers to the Cash Reserve Fund from June 1997 to June 1996.

AMENDMENT:

1. On page 123, line 27, strike "$3,935,297" and insert "$18,189,565".

2. On page 126, line 16, strike "$14,254,268" and insert "$-0-".

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM4054

(Amendments to E & R amendments, AM7254)

1. On page 88, line 26, after the second comma insert "and on June 30, 1996,".

Mr. Bernard-Stevens filed the following amendment to LB 1189:
AM4075

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 54. AGENCY NO. 83 -- AID TO COMMUNITY COLLEGES
Program No. 51 - Aid to Community Colleges

	FY1995-96	FY1996-97
GENERAL FUND	-0-	108,939
PROGRAM TOTAL	-0-	108,939

2. On page 13, lines 19 and 20, strike "2,000,000" and

insert "1,891,061".

3. Renumber the remaining sections accordingly.

Messrs. Bernard-Stevens, Will, Withem, and Mrs. Bohlke filed the following amendment to LB 1189:

AM4049

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 54. AGENCY NO. 83 -- AID TO COMMUNITY COLLEGES
Program No. 51 - Aid to Community Colleges

	FY1995-96	FY1996-97
GENERAL FUND	-0-	108,939
PROGRAM TOTAL	-0-	108,939

2. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 390. Introduced by Schellpeper, 18.

WHEREAS, in 1868, the first pioneers settled into the West Bow Creek area in Nebraska which eventually became known as Constance, Nebraska; and

WHEREAS, through the years this community continued to grow, work, and worship together; and

WHEREAS, in 1894, Ferdinand and Clement Walter of West Point, Joseph Kube of Wisner, and William Mueller of Constance built the church known as the St. Joseph Church of Constance, which was blessed by Father Casimir Renner; and

WHEREAS, the St. Joseph Church of Constance has served as a center of worship in Constance, Nebraska, since 1896; and

WHEREAS, the St. Joseph Church of Constance has been served by Father Baumgartner, Father Schnuttgen, Father Walbaum, Father Becker, Father Schnell, Father Griese, Father Brass, Father Korte, Father Gebauer, Father Breitkopf, Father Rehbach, Father Hundts, Father Pieper, Father Latsch, Father Buehler, Father Kluthe, Father Tresnak, Father Stortz, Father Kraft, Father Cleary, Father Leise, and Father Grimmond; and

WHEREAS, Father Ralph Steffensmeier is the current pastor; and

WHEREAS, this parish of forty-eight families continues to worship and pray together in the church that their pioneer ancestors built with hard work and love for their family and faith.

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

1. That the St. Joseph Church of Constance be congratulated on providing 100 years of service to Constance, Nebraska, and the surrounding community.

2. That a copy of this resolution be sent to the members of the St. Joseph Church of Constance.

Laid over.

LEGISLATIVE RESOLUTION 391. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to review the different levels of taxation of the various forms of legalized gambling in Nebraska. The study shall include, but not be limited to:

1. A determination of other states' tax rates on gambling activities;

2. An attempt to determine the appropriate levels of taxation for each type of game; and

3. An attempt to determine the rates and methods of taxation that would maintain a reasonable balance among the various entities that benefit from these games.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 392. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to examine the issue of the State of Nebraska legalizing wagering on the outcome of sporting events. This study shall include, but not be limited to, the examination of:

(1) The potential need to amend the Constitution of Nebraska to allow for sports betting;

(2) The impact of current federal law on Nebraska establishing sports betting;

(3) The constitutionality of any federal restrictions on state legalization of sports betting;

(4) The current extent of illegal sports betting taking place in Nebraska; and

(5) The potential economic benefit of legalizing sports betting in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 393. Introduced by Will, 8; Crosby, 29.

PURPOSE: The purpose of this resolution is to study the feasibility of establishing a Nebraska Commission of the Blind. The study shall include, but not be limited to:

(1) An examination of the issues affecting the blind citizens of Nebraska and the appropriate roles of state government in addressing those issues;

(2) An examination of current government services available to the blind citizens of Nebraska and the possibility of the expansion or consolidation of such services; and

(3) An examination of the issues affecting blind citizens that are not currently addressed by state laws or state agencies that might be more appropriately vested in a commission.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Schimek, 27; Abboud, 12.

PURPOSE: The purpose of this resolution is to examine the process by which Nebraskans choose delegates to presidential nominating conventions and to explore possible alternatives to the current process. The study shall include, but not be limited to, a study of (a) the caucus system of selecting presidential candidates, (b) the possibility and resulting ramifications, including potential economic benefits, of changing the primary election date in Nebraska, (c) the election process employed in other states, (d) the feasibility of Nebraska joining other states in the Midwest to conduct a regional primary, and (e) any other issues deemed necessary.

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

1. That the Government, Military and Veterans Affairs Committee shall appoint a task force composed of (a) two members from each major political party in this state as recommended by the members of each such party, (b) four members of the general public, (c) two

members of the Government, Military and Veterans Affairs Committee, and (d) two educators whose areas of expertise are political science and the election process in the State of Nebraska to assist the committee in accomplishing the purpose of this resolution.

2. That the committee, after consultation with the task force, shall compile and submit a report to the Legislative Council or Legislature no later than January 1, 1997.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 292CA. Placed on Select File as amended.
E & R amendment to LR 292CA:
AM7262

1. In the Standing Committee amendments, AM3650:
a. On page 6, line 9, strike "Each", show as stricken, and insert "Except as provided in subdivision (3) of this section, each";
b. On page 9, line 7, after "repair" insert an underscored comma; and
c. On page 10, line 7, after "his" insert "or her".

LEGISLATIVE BILL 1391. Placed on Select File as amended.
E & R amendment to LB 1391:
AM7263

1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. There are hereby appropriated the following sums of money, or so much thereof as may be required, from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of claims arising out of miscellaneous items of indebtedness owing by the State of Nebraska.

1995-1996 MISCELLANEOUS CLAIMS

DESCRIPTION	DOLLARS
Claim No. 95-475, against the Department of Revenue, pay to Bell Communication Research, Inc., 290 West Mt. Pleasant Avenue, Livingston, NJ 07039, out of the General Fund	112,141.83
Claim No. 96-084, against the Department of Correctional Services, pay to Bonnie Nichols, c/o James D. McFarland, Attorney, 3400 "O" Street, Lincoln, NE 68503, out of the General Fund	2,808.28
Claim No. 96-119, against the Department of Social Services,	

pay to Andrew W. Benson,
913 Belgrade Lane, Plattsmouth, NE 68048,
out of the General Fund 2,972.29
Claim No. 96-250, against the Department of Public Institutions,
pay to Jose Carbon, c/o Don Cassiday,
1706 Betz Road, Bellevue, NE 68005,
out of the General Fund 11,649.26

The claims included in this section shall be paid through Program 536 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

General Fund 129,571.66
Total 129,571.66

Sec. 2. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the Attorney General in the Court of Appeals and which require the approval of the Legislature for payment.

DESCRIPTION DOLLARS

Tort Claim No. 92-050 and Tort Claim No. 92-051, against the Department of Roads,
pay to Kerrilyn Symington, John Symington, and Royce Norman, Attorney,
P.O. Box 1088, North Platte, NE 69103-1088,
out of the Roads Operations Cash Fund 1,410,000.00
Tort Claim No. 92-050 and Tort Claim No. 92-051, against the Department of Roads,
pay to First Colony Life Insurance Co.,
P.O. Box 6158, Lynchburg, VA 24505-6158,
out of the Roads Operations Cash Fund 786,812.42

The claims included in this section shall be paid through Program 591 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

Cash Fund 2,196,812.42
Total 2,196,812.42

Sec. 3. There are hereby appropriated the following sums of money, or so much thereof as may be required, from the indicated fund in the state treasury, not otherwise appropriated, for the payment of workers' compensation claims which have been settled by the Attorney General in the Nebraska Workers' Compensation Court and which require the approval of the Legislature for payment.

DESCRIPTION DOLLARS

Workers' Compensation Lump-Sum Settlement approved by the Nebraska Workers' Compensation Court,
pay to Lyla Bennett and Rod Rehm, Attorney,

1327 H Street, Suite 202, P.O. Box 2067,
Lincoln, NE 68502-2067,
out of the Workers' Compensation Claims
Revolving Fund 90,000.00

The claim in this section shall be paid through Program 593 in Agency 65.

For informational purposes only, the appropriation contained in this section and fund source:

Revolving Fund 90,000.00
Total 90,000.00

Sec. 4. The Director of Administrative Services is hereby authorized and directed to draw his or her warrants on or before June 30, 1997, upon the funds in the state treasury enumerated in this act, in favor of the several beneficiaries named in this act for the amount set opposite their respective names upon the presentation of proper vouchers therefor. The several amounts appropriated in this act shall be in full payment of any and all claims, rights, causes of action, damages, and demands of every character and kind owing by or against the State of Nebraska, its officers, agents, and employees, and their successors and assigns with respect to each of the beneficiaries respectively in whose favor the appropriations are made. The director shall not deliver any warrant for any items appropriated in this act until a receipt and release in full, releasing the State of Nebraska, its officers, employees, and agents, and their successors and assigns, has been filed by each of the beneficiaries respectively. Upon presentation of the warrants, the State Treasurer is hereby directed to pay the same out of money in the General Fund or out of money in other funds indicated in this act not otherwise appropriated.

Sec. 5. The following requests were filed by state agencies seeking permission to write off certain accounts. The State Claims Board reviewed and approved the following requests:

DESCRIPTION DOLLARS

Request No. 95-550, made by the Commission for the Hearing Impaired 941.35
Request No. 96-026, made by the Supreme Court 174.03
Request No. 96-162, made by the Department of Public Institutions-Nebraska Veterans' Home 25,141.44
Request No. 96-206, made by the Department of Administrative Services-Central Data Processing 18,000.00
Request No. 96-238, made by the Game and Parks Commission 2,011.29
Request No. 96-255, made by the Department of Health 366.00
Request No. 96-263, made by the Military Department 13,693.89
Request No. 96-278, made by the Department of Public Institutions 460,795.11
Request No. 96-283, made by the Game and Parks Commission 23,824.75
Request No. 96-286, made by the Department of Public

Institutions-Nebraska Veterans' Home Annex 867.37
Request No. 96-287, made by the Department of Public
Institutions-Norfolk Veteran's Home 400.00
Sec. 6. Since an emergency exists, this act takes effect
when passed and approved according to law.".

VISITORS

Visitors to the Chamber were Senator Matzke's daughter, Jane Christoffersen, and grandchildren, Lee and Jack Christoffersen from Littleton, Colorado; Senator Bohlke's mother, Naomi Gidley, sister, Sharon Marvin, and aunt and uncle, Marcella and John Doak from Omaha; 13 seniors from Nebraska City Lourdes High School; 41 sixth grade students and teachers from West Lincoln Elementary School, Lincoln; and 90 representatives of the Council of Catholic Women from across the state.

RECESS

At 11:55 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., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Dierks, Hilgert, Kristensen, Landis, Schmitt, Schrock, Will, Mmes. Bohlke, McKenzie, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Messrs. Beutler and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 395. Introduced by Wehrbein, 2; Abboud, 12; Preister, 5; Brown, 6; Jensen, 20.

WHEREAS, Redbook Magazine has recognized Elmwood-Murdock High School as one of the top sixty-three high schools in America for overall excellence in education; and

WHEREAS, according to Redbook's education experts, Elmwood-Murdock offers students "... a strong mix of intellectual challenges and stimulating extracurricular activities. Dedicated teachers

and parents produce an atmosphere that ensures the high academic performance ..."; and

WHEREAS, Ralston High School was also recognized by Redbook as one of the top sixty-three high schools in America; and

WHEREAS, the Ralston High School class of 1997 will be the first class to graduate with specific proficiencies in 11 areas -- economics, humanities, information acquisition, interpersonal skills, social responsibility, social studies, technology, wellness, mathematics, science, and communication; and

WHEREAS, Omaha Westside High School was also recognized by Redbook for excellence in the category "Best of the States".

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

1. That the Legislature congratulates Elmwood-Murdock High School, Ralston High School, and Omaha Westside High School for the honors they have earned from Redbook Magazine.

2. That copies of this resolution be sent to Elmwood-Murdock High School, Ralston High School, and Omaha Westside High School.

Laid over.

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 108:
AM3685

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new sections:

"Sec. 78. Section 84-202, Reissue Revised Statutes of Nebraska, is amended to read:

84-202. ~~The~~ Except as otherwise provided by law, the Department of Justice shall have the general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested ; and shall have charge and control of all the legal business of all departments and bureaus of the state, or of any office thereof, which requires the services of attorney or counsel in order to protect the interests of the state.

Sec. 79. Section 84-203, Reissue Revised Statutes of Nebraska, is amended to read:

84-203. ~~The~~ Except as otherwise provided by law, the Attorney General is authorized to appear for the state and prosecute and defend, in any court or before any officer, board, or tribunal, any cause or matter, civil or criminal, in which the state may be a party or interested. If the Director-State Engineer ~~shall have~~ has drawn any plans or specifications for the construction of bridges or other public structures for any county in this state, and such plans ~~shall~~ have been adopted by any such county and bids let thereon, and the same constructed by any

person, corporation, or association, and suit is brought against such county, person, corporation, or association for damages on account of the infringement of any alleged United States patent, in any court, state or federal, it shall be the duty of the Attorney General to intervene in ~~said~~ the suit in behalf of the state and defend it, or, if intervention cannot be had, then the Attorney General shall take charge of the suit for such county, person, corporation, or association, and defend it, or he or she may employ counsel to do so, and the fee of such counsel and other expenses shall be paid from appropriations made to the office of the Attorney General.

Sec. 80. Section 84-205, Revised Statutes Supplement, 1994, is amended to read:

84-205. The ~~duties of the~~ Attorney General shall: ~~be:~~

(1) Appear ~~To appear~~ and defend actions and claims against the state except as otherwise provided by law;

(2) ~~To consult~~ Consult with and advise the county attorneys, when requested by them, in all criminal matters and in matters relating to the public revenue. He or she shall have authority to require aid and assistance of the county attorney in all matters pertaining to the duties of the Attorney General in the county of such county attorney and may, in any case brought to the Court of Appeals or Supreme Court from any county, demand and receive the assistance of the county attorney from whose county such case is brought;

(3) ~~To give~~ Give, when required, without fee, his or her opinion in writing upon all questions of law submitted to him or her by the Governor, head of any executive department, Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, Public Service Commission, or Legislature;

(4) At the request of the Governor, head of any executive department, Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, or Public Service Commission, ~~to~~ prosecute any official bond or any contract in which the state is interested which is deposited with any of them and to prosecute or defend for the state all civil or criminal actions and proceedings, relating to any matter connected with any of such officers' departments if, after investigation, he or she is convinced there is sufficient legal merit to justify the proceeding. Such officers shall not pay or contract to pay from the funds of the state any money for special attorneys or counselors-at-law unless the employment of such special counsel is made upon the written authorization of the Governor or the Attorney General;

(5) ~~To enforce~~ Enforce the proper application of money appropriated by the Legislature to the various funds of the state and prosecute breaches of trust in the administration of such funds;

(6) ~~To prepare~~ Prepare, when requested by the Governor, Secretary of State, State Treasurer, or Auditor of Public Accounts or any other executive department, proper drafts for contracts, forms, or other writings which may be wanted for the use of the state and report to the Legislature, whenever requested, upon any business pertaining to the duties of his or her office;

(7) ~~To pay~~ Pay all money received, belonging to the people of the state, immediately upon receipt thereof, into the state treasury;

(8) ~~To keep~~ Keep a record in proper books provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him or her in behalf of the state and all proceedings had in relation thereto, and deliver the same to his or her successor in office;

(9) Appear ~~To appear~~ for the state and prosecute and defend all civil or criminal actions and proceedings in the Court of Appeals or Supreme Court in which the state is interested or a party except as otherwise provided by law. When requested by the Governor or the Legislature, the Attorney General shall appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party before any court, officer, board, tribunal, or commission;

(10) ~~To prepare~~ Prepare and promulgate model rules of procedure appropriate for use by as many agencies as possible. The Attorney General shall add to, amend, or revise the model rules as necessary for the proper guidance of agencies; and

(11) ~~To create~~ Create a Child Protection Division to be staffed by at least three assistant attorneys general who each have five or more years of experience in the prosecution or defense of felonies or misdemeanors, including two years in the prosecution or defense of crimes against children. Upon the written request of a county attorney, the division shall provide consultation and advise and assist in the preparation of the trial of any case involving a crime against a child, including, but not limited to, the following offenses:

(a) Murder as defined in sections 28-303 and 28-304;

(b) Manslaughter as defined in section 28-305;

(c) Kidnapping as defined in section 28-313;

(d) False imprisonment as defined in sections 28-314 and 28-315;

(e) Child abuse as defined in section 28-707;

(f) Pandering as defined in section 28-802;

(g) Debauching a minor as defined in section 28-805; and

(h) Offenses listed in sections 28-813, 28-813.01, and 28-1463.03.

Any offense listed in subdivisions (a) through (h) of this subdivision shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section 28-301. Such crimes shall not include matters involving

dependent and neglected children, infraction violations, custody or visitation matters, or child support. If the county attorney declines in writing to prosecute a case involving a crime against a child because of an ethical consideration, including the presence or appearance of a conflict of interest, or for any other reason, the division shall, upon the receipt of a written request of the county attorney, the Department of Social Services, the minor child, the parents of the minor child, or any other interested party, investigate the matter and either decline to prosecute the matter or initiate the appropriate criminal proceedings in a court of proper jurisdiction.

For purposes of this subdivision, child or children shall mean an individual or individuals sixteen years of age or younger.

Sec. 81. Section 84-207, Reissue Revised Statutes of Nebraska, is amended to read:

84-207. ~~It shall be the duty of~~ When requested by the Governor, the Attorney General ~~of the state to~~ shall commence, prosecute, and defend any ~~and all actions~~ action affecting the rights of Nebraska water users in interstate streams as against appropriators in any other state ; and ~~to~~ shall take such steps as in his or her judgment are required to protect any and all interests of appropriators of water within this state in such cases. The Attorney General may employ such assistance and incur such expenses as shall be necessary in any such actions. If the Governor does not request the Attorney General to commence, prosecute, and defend an action affecting the rights of Nebraska water users, the Governor shall appoint special counsel to commence, prosecute, and defend such action.".

2. On page 79, line 13, strike "and 46-674.19" and insert "46-674.19, and 84-208".

3. Amend the repealer section and renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1368. Title read. Considered.

Standing Committee amendment, AM3447, found in the Journal on page 1012, was considered.

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

Mr. Chambers requested a record vote on the Standing Committee amendment.

Voting in the affirmative, 27:

Avery Brashear Bromm Brown Crosby

Cudaback	Hudkins	Lindsay	Preister	Wesely
Elmer	Janssen	Lynch	Vrtiska	Wickersham
Engel	Jensen	Matzke	Warner	Witek
Fisher	Jones	Pedersen	Wehrbein	Withem
Hillman	Klein			

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Coordsen	Maurstad	Pirsch	Schellpeper

Excused and not voting, 17:

Abboud	Bohlke	Kristensen	Robinson	Schrock
Bernard-Stevens	Dierks	Landis	Schimek	Stuhr
Beutler	Hartnett	McKenzie	Schmitt	Will
	Hilgert	Robak		

The Standing Committee amendment was adopted with 27 ayes, 1 nay, 4 present and not voting, and 17 excused and not voting.

Messrs. Wesely, Chambers, and Ms. Schimek renewed their pending amendment, AM3495, found in the Journal on page 1054.

Messrs. Janssen, Pedersen, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear renewed his pending amendment, AM3904, found in the Journal on page 1312, to the Wesely et al. pending amendment.

MR. LINDSAY PRESIDING

Mr. Brashear withdrew his amendment.

SPEAKER WITHEM PRESIDING

MR. LINDSAY PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 396. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brashear, 4; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Lynch, 13.

PURPOSE: The purpose of this resolution is to examine the use of consultants by state agencies. The study shall include, but is not limited to, the following: Salary expenditures for consultants; ratio of salary expenditures of such employees compared to contractual services employees by agency and statewide; use of consultants as a substitute for the agencies' inability to hire full-time employees because of the hiring freeze; and use of consultants by and from the University of Nebraska system.

The study will also look at developing policy on how the office of the Legislative Fiscal Analyst should review agencies' budgets to allow the Appropriations Committee of the Legislature the opportunity to examine what consultants are hired and why, the cost of the consulting services, the justification for the consultant, and the cost-effectiveness of the consultant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 397. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to review the fee structure for issuing health facility and service licenses by the Department of Health. Currently, license fees cover the costs of administering the licensure process, but do not in all cases cover the cost for surveying the facility. Fees for facilities that provide any inpatient services differ from facilities that provide only outpatient services. Consideration should be given to, but not limited to: (1) The complexity of the licensure process; (2) the size of the facility being licensed; (3) the service provided by the licensee; (4) the number of applicants in a licensure group; and (5) the public health benefits that accrue because of licensure. The goal of this study should be to develop an equitable licensure fee structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 conduct this study in conjunction with the redesign being done by the Nebraska Partnership for Health and Human Services Act.

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 398. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should update its statutes regarding the practice of public accountancy. The study should include a review of the provisions of the Public Accountancy Act of 1957, as amended, and consideration of whether Nebraska should enact provisions of model legislation which have been developed jointly by the National Association of State Boards of Accountancy and the American Institute of Certified Public Accountants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 399. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Custodial Trust Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 400. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study what Nebraska's response should be to the interstate branching provisions of the federal Riegle-Neal Interstate Branching Efficiency Act of 1994 which will

open Nebraska's borders on June 1, 1997, to interstate branching by out-of-state banks (if Nebraska has not opted out of interstate branching by such date). Issues to be considered should include whether Nebraska should amend its banking statutes to allow state-chartered banks to branch outside Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 401. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise and update its statutes which govern investments by insurance companies of their funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 402. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to examine corporate governance provisions within Nebraska's insurance laws in order to consider updating and conforming these provisions as they relate to Nebraska's new Business Corporation Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 403. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to examine Nebraska's statutes regarding deposit of public funds in financial institutions.

The study should include a review of the statutes requiring financial institutions to provide security for public funds held in excess of deposit insurance and the consideration of changes to make these statutes more uniform and consistent in their application to the various entities of government.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 404. Introduced by Bohlke, 33.

PURPOSE: In 1995, the State Department of Education contracted for a study to assess educational service units and to recommend modifications to strengthen the role of educational service units in the state's elementary and secondary educational systems.

In 1995, the Legislature conducted an extensive study of property taxation, leading to the introduction of legislation designed to increase efficiencies, encourage governmental consolidation and merger, and limit the levying and spending authority of political subdivisions in order to reduce property taxes in this state.

To these same ends, the Education Committee of the Legislature is directed to continue working with the State Department of Education and the State Board of Education with the goal of restructuring the number and boundaries of educational service units. Reducing the number of educational service units would enhance efficiencies, reduce administrative personnel, eliminate duplication, increase the consolidation of service delivery, and achieve a more balanced, state-wide system. Using computer models, the study shall test various criteria (travel time, student population sizes, number of LEAs, and property tax valuation discrepancies) to reconfigure the number and boundaries of educational service units so that schools and taxpayers could be better served.

In addition, the study shall review the general three and one-half cent tax levy authority, enacted in 1965, and the categorical one-half

cent tax levy for telecomputing. This taxing authority should be evaluated in light of other school finance, state aid, and tax lid measures which affect the school districts' ability to fund programs and services for students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENT - Print in Journal

Mr. Pedersen filed the following amendment to LB 1189: AM4084

(Amendments to E & R amendments, AM7254)

1. On page 36, lines 21 through 26, strike the new matter and reinstate the stricken matter.

2. On page 37, line 10, reinstate "$10,138,484"; and in lines 11 and 14 strike the new matter.

GENERAL FILE

LEGISLATIVE BILL 1368. The Wesely et al. pending amendment, AM3495, found in the Journal on page 1054 and considered in this day's Journal, was renewed.

Messrs. Beutler, Wickersham, Wehrbein, Coordsen, and Abboud 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 12 ayes, 0 nays, and 37 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 19 not voting.

Mrs. Witek requested a record vote on the Wesely et al. amendment.

Voting in the affirmative, 18:

Avery	Fisher	Lindsay	Schellpeper	Wickersham
Beutler	Hilgert	Lynch	Schimek	Will
Chambers	Hillman	Maurstad	Wesely	Withem
Cudaback	Landis	Preister		

Voting in the negative, 24:

Abboud	Brown	Janssen	McKenzie	Stuhr
Bernard-Stevens	Crosby	Jensen	Pirsch	Vrtiska
Brashear	Elmer	Jones	Robinson	Warner
Bromm	Engel	Kristensen	Schmitt	Wehrbein
	Hudkins	Matzke	Schrock	Witek

Present and not voting, 1:

Klein

Excused and not voting, 6:

Bohlke	Dierks	Hartnett	Pedersen	Robak
Coordsen				

The Wesely et al. amendment lost with 18 ayes, 24 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Messrs. Beutler and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Wesely, Chambers, and Ms. Schimek withdrew their amendment, AM3493, found in the Journal on page 1055.

Mr. Wesely withdrew his amendments, AM3464 and AM3552, found in the Journal on pages 1056 and 1057.

Mr. Wesely asked unanimous consent to replace his pending amendment, AM3555, printed separately and referred to on page 1082, with a substitute amendment. No objections. So ordered.

Mr. Wesely withdrew his amendment, AM3555, found in the Journal on page 1082.

Mr. Wesely renewed his pending substitute amendment, AM3732, found in the Journal on page 1229.

Mmes. Stuhr, Hudkins, Crosby, Witek, Messrs. Janssen, Abboud, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Wesely moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Wesely requested a record vote on his amendment.

Voting in the affirmative, 7:

Bernard-Stevens	Beutler	Chambers	Schellpeper	Schimek
Schmitt	Wesely			

Voting in the negative, 27:

Avery	Cudaback	Hudkins	Pedersen	Warner
Brashear	Elmer	Jensen	Pirsch	Wehrbein
Bromm	Engel	Kristensen	Robinson	Wickersham
Brown	Fisher	Lindsay	Schrock	Will
Coordsen	Hartnett	Matzke	Stuhr	Withem
Crosby	Hillman			

Present and not voting, 8:

Janssen	Klein	Maurstad	Preister	Vrtiska
Jones	Lynch	McKenzie		

Excused and not voting, 7:

Abboud	Dierks	Landis	Robak	Witek
Bohlke	Hilgert			

The Wesely amendment lost with 7 ayes, 27 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 1189:
AM4132

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 61. Laws 1995, LB 391, section 11, is amended to read:

Sec. 11. AGENCY NO. 25 -- DEPARTMENT OF PUBLIC INSTITUTIONS

Program No. 912 - Beatrice State Developmental Center Cottage Renovation

	FY1995-96	FY1996-97	FUTURE
STATE BUILDING FUND	360,000	360,000	-0-
PROGRAM TOTAL	360,000	360,000	-0-

The Department of Public Institutions is hereby authorized to renovate four cottages at the Beatrice State Developmental Center.

The unexpended State Building Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 25, Department of Health and Human Services, Program 421, Beatrice State Developmental Center, for FY1996-97.".

2. On page 8, after line 2, insert the following:

"The unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 175, Medical Student Loans, for FY1996-97.".

3. On page 55, line 1, strike "17,181,064" and insert "16,349,490"; in line 4 strike "123,971" and insert "96,262"; in line 6 strike "17,556,439" and insert "16,697,156"; and in line 8 strike "10,377,077" and insert "9,634,904".

4. On page 134, line 25, after "sections" insert "11,".

5. Renumber the remaining sections accordingly.

Ms. Schimek filed the following amendment to LB 1189:
AM4083

(Amendments to E & R amendments, AM7254)

1. On page 75, after line 6 insert the following:

"There is included in the appropriation to this program for FY1996-97 $172,872 General Funds for six additional security staff positions. It is the intent of the Legislature that these six positions be funded by conversion of security staff overtime expense dollars into security staff personal service limitation and benefits dollars.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 405. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to examine the incarceration of juveniles both under the Nebraska Juvenile Code and when charged as adults. The study shall focus on all aspects of juvenile incarceration, paying particular attention to the costs involved. The study shall also include a thorough examination of federal legislation and case law bearing on the issue. The study shall specifically examine whether Nebraska has validly opted into the federal Juvenile Justice Delinquency Prevention Act, the benefits and drawbacks of participation in the act, and the costs of participation in the act. The

study should also recommend whether continued participation in the act is appropriate for Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 406. Introduced by Lindsay, 9.

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-FOURTH 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 407. Introduced by Hilgert, 7.

PURPOSE: Tax year 1995 demonstrated that there is a need to provide property tax relief to the citizens of Nebraska. The homestead exemption program provides a progressive form of property tax relief while maintaining local control of local governments and political

subdivisions. Property tax relief methods like the homestead exemption program and circuit breaker refund programs would encourage home ownership. Making home ownership more affordable for a greater number of Nebraskans would increase the demand for affordable single-family dwellings which in turn would help rejuvenate economically depressed residential areas. Moreover, the revenues of the state grow approximately 5.5 to 6 percent every year, and a portion of this increase could be used to fund an expanded homestead exemption program or circuit breaker refund program which could both cap state spending and provide property tax relief.

This study shall examine the homestead exemption and circuit breaker refunds as an alternative means of providing property tax relief. It shall also address the feasibility of obligating a portion of the annual revenue growth of the state to fund such methods of property tax reduction and limit state spending. This study shall also examine how such methods of property tax reduction could encourage home ownership of lower income families and individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 408. Introduced by Avery, 3.

PURPOSE: A study to examine the laws relating to condemnation. Such study shall include, but not be limited to, the following:

(1) A general overview of the statutes relating to condemnation;

(2) A review of condemnation proceedings; and

(3) An examination of the term "highest and best use" and an analysis as to whether such term should be redefined and clarified.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 409. Introduced by Avery, 3.

PURPOSE: The purpose of this resolution is to analyze the types of driver's education and training available to teenage drivers in the State of Nebraska. Such analysis shall include:

(1) An overview and comparison of the requirements of such education and training in the State of Nebraska and other states throughout the Midwest;

(2) An analysis of the costs associated with such education and training in comparison to the social costs associated with the absence of such education and training; and

(3) An analysis of the focus of such education and training upon experience in handling various road conditions, inclement weather, and other traffic hazards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 410. Introduced by Avery, 3.

PURPOSE: The purpose of this resolution is to study the impact of the no-fault divorce law since its adoption in Nebraska. The study should place particular emphasis on the impact of the no-fault divorce law on the awarding of custody in a divorce decree and its impact on the family. The study should also evaluate the criteria utilized by the courts in decisions involving custody and the division of marital assets.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 411. Introduced by McKenzie, 34; Bernard-Stevens, 42.

PURPOSE: The purpose of this study resolution is to continue the work of the LR230 Select Committee structured during the 1995 Legislative Session.

LR230 was created to provide counsel and cohesion to the review, examination, and reporting procedures proposed in Legislative Bill 742, Ninety-fourth Legislature, First Session, 1995. This study will also be conducted by a select committee of the Legislature, both independently and in conjunction with the State Department of Education, the School Finance Review Committee, and the Special Education Accountability Commission.

Legislative Bill 742 was introduced during the Ninety-fourth Legislature, First Session, 1995, to identify cost-containment strategies for special education aid growth. The State Department of Education was assigned to review existing rules and regulations relating to special education. A report to the Education Committee of the Legislature from the State Department of Education with recommendations for state laws, rules, and regulations relating to special education that could be repealed, modified, or retained is due June 1, 1996. The Special Education Accountability Commission, the School Finance Review Committee, the State Department of Education, and the Education Committee of the Legislature are to provide a report by June 1, 1996, in regard to the implementation of an alternative funding system for special education programs.

A continuation of the select committee work is needed to focus the reporting process and maintain continuity through the interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 412. Introduced by Stuhr, 24.

PURPOSE: General concern about the increased costs of special education in Nebraska's public schools has prompted discussion as to whether or not Nebraska should lower the age that the state must provide a student with free and appropriate education. The Nebraska Constitution, in Article VII, section 1, states: "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." LR 299CA was introduced during the 1996 legislative session to reduce the age of "free instruction" to ages five to nineteen years. The purpose of this resolution is to study the issues associated with a change in the Nebraska Constitution reducing the age of "free instruction" from the current requirement of ages five to twenty-one years. The study shall include, but not be limited to, the following issues:

(1) The effect on special education costs to Nebraska public schools;

(2) The effect on persons with disabilities who are currently given "free instruction" in public schools but would no longer be given "free instruction" if the constitutional age requirement were to be lowered, including:

(a) How many students who currently qualify as special education students would no longer receive "free instruction" if the constitutional age requirement were reduced;

(b) Whether other services (e.g., vocational rehabilitation or welfare) would be available for the special education students who are no longer able to continue "free instruction" in public schools; and

(c) Whether other services would be as effective or more effective to these persons with disabilities outside of "free instruction" in the public schools system;

(3) The effect on federal funds the State of Nebraska may receive or currently receives for special education funding; and

(4) The effect on "free instruction" for nonspecial education students.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 Stuhr, 24.

PURPOSE: Ten states have now adopted beverage container deposit legislation to promote recycling and litter reduction. Beverage container deposit laws also assist in creating incentives and funds for other recycling initiatives such as curbside recycling. The purpose of this legislative resolution is to study the beverage container deposit legislation of other states and to determine which, if any, beverage container deposit program would make the best policy for Nebraska. The study shall include, but not be limited to, the following issues:

(1) Types of beverage containers to be redeemed;

(2) Current recycling rates of relevant types of beverage containers in Nebraska;

(3) Deposit amounts on beverage containers;

(4) Use of unclaimed deposits;

(5) Cost of state administration of a beverage container deposit program;

(6) Ability of a beverage container deposit program to self-fund administration costs through unclaimed deposits;

(7) Ability of a beverage container deposit program to replace the Nebraska Litter Reduction and Recycling Act through unclaimed deposits;

(8) Recycling industry's ability to act as redemption centers;

(9) Recycling industry's ability to act as a redemption center without receiving a handling fee;

(10) Sanitation and recycling industries incentive to increase curbside pickup services as a means of increasing the recycling rate of many recyclable items (items in addition to beverage containers) if beverage container deposit legislation is to be passed;

(11) Availability and practical use of reverse vending machines in the beverage container deposit program;

(12) Whether Nebraska's beverage container deposit program should accept beverage containers from another state; and

(13) Effectiveness of beverage container deposit programs in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 414. Introduced by Jones, 43; Hudkins, 21.

PURPOSE: The equine industry in Nebraska is important to the recreational diversity of the citizens of this state and the tourist industry of the State of Nebraska. The equine has been a symbol of the agricultural sector of this state and represents a reminder that the equine was an important tool used to settle the United States. It is necessary to identify the statutes of Nebraska and other industry problems which unfairly impede the equine industry from reaching its fullest potential.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 415. Introduced by Bohlke, 33.

PURPOSE: To study alternatives to the membership tiers for determining formula needs in the Tax Equity and Educational Opportunities Support Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 416. Introduced by Bohlke, 33.

PURPOSE: To determine what state sources of funding are available to school districts to meet the forty-five percent state funding goal for general fund operating expenditures of school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 417. Introduced by Bohlke, 33.

PURPOSE: To study truancy statutes and procedures and to examine alternatives for parents, students, communities, and schools to coordinate their efforts in addressing truancy problems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 418. Introduced by Bohlke, 33.

PURPOSE: To study the procedures for reorganization of school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 419. Introduced by Warner, 25; Bohlke, 33; Robinson, 16; Beutler, 28; Hartnett, 45; Coordsen, 32; Withem, 14; Will, 8; Kristensen, 37; Wickersham, 49; Schellpeper, 18; Wesely, 26; Lindsay, 9.

PURPOSE: In 1996 the property tax issue remains important to a majority of Nebraskans. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals were a number of proposals stemming from LR206 from 1995. These proposals, one or more of which may be enacted this year, may dramatically reduce the number of entities allowed to independently levy property taxes, place absolute dollar and cents limits on the actual tax levy, change the process by which property taxes are levied, change the taxation of motor vehicles, shift responsibilities from local to state tax bases, or otherwise alter the state-local or interlocal relationships. These proposals raise a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;

2. Reducing the use of property tax to finance public services; and

3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

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

1. That a committee consisting of the members of the Revenue Committee; the Chairpersons of the Committees on Judiciary, Transportation, Government, Military and Veterans Affairs, Education, Urban Affairs, Health and Human Services, and Natural Resources; the Chairperson of the Executive Board of the Legislative Council; and the Speaker of the Legislature be designated to coordinate the research undertaken pursuant to this project. The committee may include up to seven representatives of local government in conducting its responsibilities under this resolution.

2. That the committee compile the research undertaken pursuant to this project into a report to be submitted to the Legislative Council or the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1368. Mr. Wickersham renewed his pending amendment, AM3582, found in the Journal on page 1147.

Messrs. Maurstad, Matzke, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WILL PRESIDING

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 11 ayes, 0 nays, and 38 not voting.

Mr. Robinson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 21:

Avery	Brown	Elmer	Fisher	Hudkins
Brashear	Crosby	Engel	Hartnett	Jensen

Klein	Pedersen	Robinson	Wehrbein	Witek
Kristensen	Pirsch	Warner	Will	Withem
Lindsay				

Voting in the negative, 9:

Bernard-Stevens	Beutler	Cudaback	Schellpeper	Wesely
	Chambers	Lynch	Schimek	Wickersham

Present and not voting, 12:

Bromm	Hilgert	Jones	Schmitt	Stuhr
Coordsen	Hillman	Preister	Schrock	Vrtiska
Dierks	Janssen			

Excused and not voting, 7:

Abboud	Landis	Maurstad	McKenzie	Robak
Bohlke	Matzke			

The motion to cease debate lost with 21 ayes, 9 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Hilgert 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?"

Mr. Withem moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a record vote on the Wickersham amendment.

Voting in the affirmative, 18:

Bernard-Stevens	Chambers	Jones	Preister	Stuhr
	Coordsen	Landis	Schellpeper	Wesely
Beutler	Dierks	Lynch	Schimek	Wickersham
Bromm	Hudkins	Pirsch	Schmitt	

Voting in the negative, 22:

Avery	Brashear	Brown	Crosby	Cudaback

Engel	Janssen	Lindsay	Robinson	Will
Fisher	Jensen	Maurstad	Warner	Witek
Hilgert	Klein	Pedersen	Wehrbein	Withem
Hillman	Kristensen			

Present and not voting, 4:

Elmer	Hartnett	Schrock	Vrtiska

Excused and not voting, 5:

Abboud	Bohlke	Matzke	McKenzie	Robak

The Wickersham amendment lost with 18 ayes, 22 nays, 4 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Messrs. Coordsen, Kristensen, Vrtiska, Hartnett, Chambers, Maurstad, Wickersham, Withem, Janssen, Elmer, Mmes. Robak, and McKenzie filed the following amendment to LB 1189:
AM4114

(Amendments to E & R amendments, AM7254)

1. On page 47, line 23, strike "5,734,757" and insert "5,814,442"; and in line 26 strike "5,794,757" and insert "5,874,442".

Mr. Landis filed the following amendment to LB 1274:
(Amendment, AM3235, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Warner filed the following amendment to LB 1189:
AM4138

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:
"Sec. 8. STUDY OF LEASES
The state building division of the Department of Administrative Services is directed to conduct cost-benefit analysis of continuing occupancy leases of any building where state agency occupancy exceeds fifty percent of total building lease space, versus the cost of purchase of the building for continued occupancy by state agencies. If any analysis of building lease versus purchase options yields a positive benefit to the state if the building is purchased, the division is authorized to enter into

negotiations to secure the purchase of the building, except that acquisition by means of a multiyear financing agreement shall be subject to the provisions of law specifying the conditions for financing agreements and appropriations related to the acquisition of, and capital improvements to, real property.".

2. Renumber the remaining sections accordingly.

Messrs. Lindsay, Wehrbein, Withem, and Wickersham filed the following amendment to LB 1190:

AM4143

(Amendments to Standing Committee amendments, AM3412)

1. Insert the following new section:

"Sec. 7. Until the century date change conversion of computer software, hardware, and data is satisfactorily completed, the department shall not expend the fund for other enterprise-wide information technology infrastructure goals, guidelines, and priorities. Conversion may include replacement of existing computer software or hardware if the scope of such replacement is determined to be the most cost-effective alternative to achieve the satisfactory completion of the century date change conversion.".

2. On page 1, line 3, strike "12" and insert "13".

3. On page 15, line 15, strike "13 and 16" and insert "14 and 17".

4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 420. Introduced by Kristensen, 37; Bohlke, 33; Matzke, 47; Bernard-Stevens, 42; Wickersham, 49; Fisher, 35; Elmer, 44; Robak, 22; Hillman, 48; Klein, 19.

PURPOSE: The purpose of this resolution is to conduct an interim study of the need for essential air service funding for Nebraska communities. The study shall monitor the status of essential air service reform legislation currently pending before the United States Congress, including the Small Community Air Service Act of 1996. The study shall also continue the examination of the feasibility of establishing a state-funded essential air service program similar to that proposed by LB 1305 (1996) and shall examine alternative funding mechanisms for such a program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 421. Introduced by Janssen, 15; Schmitt, 41; McKenzie, 34; Bohlke, 33; Bromm, 23.

PURPOSE: The purpose of this resolution is to study possible solutions to the problems which develop due to the interaction between the Commission of Industrial Relations' ability to determine the rate of wages paid and conditions of employment for school employees under section 48-818 and the provisions of subsection (5) of section 79-3819 which allows a school district to exceed its allowable growth rate to the extent required by an order of the commission. The interaction of sections 48-818 and 79-3819 causes problems for school districts since school districts are required to fulfill the Commission of Industrial Relations' order even if such order requires budget limitations in section 79-3914 to be exceeded and consequently the levy must be increased to meet the commission's order.

If Legislative Bill 299 is passed by the Ninety-fourth Legislature, Second Session, the purpose of this resolution shall be to study possible solutions to problems created by the interaction between the orders of the Commission of Industrial Relations and the provisions in Legislative Bill 299 which imposes spending limitations upon governmental units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 422. Introduced by Wesely, 26.

PURPOSE: The purpose of this resolution is to study health care availability for uninsured children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 423. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to undertake a review of the effect of the federal Employees Retirement Income Security Act (ERISA) restrictions on the health care delivery system in Nebraska. The study should also examine ways and strategies to provide health care coverage for as many Nebraskans as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 424. Introduced by Wesely, 26.

PURPOSE: The purpose of this study resolution is to examine various issues relating to managed care. The study shall include, but not be limited to, an examination of the effect of managed care on health care quality, the implementation of medicaid managed care, the planning for and implementation of managed care for long-term care, the effect of managed care on health care consumers and health care providers, an evaluation of savings generated by managed care, and a determination of whether improved oversight of managed health care in Nebraska is needed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 425. Introduced by Crosby, 29.

PURPOSE: The purpose of this resolution is to study the following issues regarding the Commission for the Hearing Impaired:

(1) Discussion regarding a name change from the Commission for the Hearing Impaired to the Commission for the Deaf and Hard of Hearing;

(2) Discussion of membership on the commission;

(3) A review of statutory responsibilities, including:

(a) Clarification and delineation of services for deaf and hard-of-hearing people;

(b) Implementation of the ADA and its effects;

(c) HI-VIS (Hearing Impaired Video Information Services) to be analyzed and possibly replaced by a more relevant service from NET; and

(d) A review of interpreter training activities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 426. Introduced by Crosby, 29.

PURPOSE: The purpose of this resolution is to study driving safety, including, but not limited to, how driver education and the use of cellular telephones impact driver safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 427. Introduced by Avery, 3.

PURPOSE: The purpose of this resolution is to determine what the Department of Water Resources has established as acceptable levels for instream flows, how the department reaches its decisions, and further information relative to instream flows. The study shall look at how efficient our instream flow process is and what criteria is used to determine instream flow, what requirements have been established, and what changes need to be made.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 428. Introduced by Preister, 5; Hartnett, 45.

PURPOSE: To study renewable energy, including incentives and impediments to building renewable energy generators, energy efficiency, net billing, and wind rights.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 429. Introduced by Schellpeper, 18; Will, 8.

PURPOSE: The policy of the State of Nebraska has consistently discouraged consumption of alcoholic liquor by individuals under the age permitted by law. However, the number of persons under the legal age who consume alcoholic liquor is a matter of concern. This study shall include, but not be limited to, the following:

(1) Methods of discouraging underage drinking;

(2) Methods of assisting law enforcement in enforcing the laws related to underage drinking; and

(3) Any other matters necessary and proper to a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 430. Introduced by Schellpeper, 18; Will, 8.

PURPOSE: This study is intended to examine issues of library governance, funding, and access.

This study shall include, but not be limited to, the following:

(1) Review of current statutes concerning these issues;

(2) Methods of increasing efficiency in providing library service;

(3) Methods of improving access to library service;

(4) Issues concerning funding of library services, including merger of entities which support libraries, and the effect of levy and expenditure restrictions;

(5) Issues concerning governance of libraries; and

(6) Any other matters necessary and proper for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 431. Introduced by Crosby, 29.

PURPOSE: The arts and humanities enhance and enrich the State of Nebraska economically, educationally, politically, and socially. The arts and humanities help promote cultural tourism which is a large growth industry nationally and internationally.

The Nebraska Humanities Council and the Nebraska Arts Council have both established substantial and sophisticated educational programs, including programs for youth at risk, teacher institutes, and forums enabling Nebraskans to understand their own unique history, heritage, and culture. They support lifelong learning and appreciation of the arts and humanities and bring such opportunities to communities large and small all across the state.

These two councils have joined together to build a cultural infrastructure in our state so that the arts and humanities in Nebraska will endure and grow for the sake of generations to come. The purpose of this study is to develop specific recommendations on how

the State of Nebraska can assist this endeavor and join a partnership with the private sector to more directly support the development of long-range fiscal planning.

This study shall include, but not be limited to, the following activities:

(1) Assess Nebraska's current private and public sector financial resources available to support and further develop the cultural climate in Nebraska;

(2) Assess the creation of a cultural trust fund and how to provide for public funds such as matching state funds with private donations or endowing such funds;

(3) Determine how to collaborate with the private sector;

(4) Determine how to collect additional state dollars for the arts and humanities; and

(5) Determine the role of state government in providing long-term funding of arts and humanities programs for the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 432. Introduced by Lindsay, 9.

PURPOSE: The purpose of this study is to explore emerging and relevant issues relating to the administration of the criminal justice system in the State of Nebraska and in its political subdivisions. The study may include an investigation, examination, or evaluation of any component of the system deemed necessary. The study may include, but in no way be limited to, the examination of the penal system, corrections, probation, sentencing, postincarceration services, alternative sentencing and criminal sanctions, and issues involving the judiciary, corrections, or law enforcement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 433. Introduced by Dierks, 40.

PURPOSE: To study legal and social issues associated with contract production and marketing agreements for packer procurement of swine and beef. While vertical procurement arrangements offer benefits to both processors and producers of meat animals, there may also be adverse consequences and producers may not be treated equally. Several states have responded to problems presented by contract production by enacting laws to protect the rights of producers under such marketing arrangements. This study shall examine whether similar laws are needed to protect and enhance the interests of Nebraska producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 434. Introduced by Dierks, 40.

PURPOSE: Several legislative and citizens initiatives have been proposed to reduce the reliance on property taxes to fund governmental services. Property tax support of services benefiting agricultural producers and rural residents would be eliminated or reduced under some proposals. This study shall examine such property-tax funded services to agricultural producers such as weed control authorities, extension services, and others to determine whether such services can be maintained under alternative funding arrangements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 435. Introduced by Preister, 5; Dierks, 40; Wehrbein, 2.

PURPOSE: To study funding for conservation and environmental programs in Nebraska. Funding for conservation and environmental programs in Nebraska comes from a variety of sources. The federal government provides funding from the United States Department of Agriculture for farm-related conservation programs such as the Conservation Reserve Program and Wetlands Reserve Program, from the United States Fish and Wildlife Service and the federal Pittman-Robertson Act, from the Environmental Protection Agency for clean water and other programs, and from a variety of other sources. Funding from the federal government is certain to change as a result of the passage of a new farm bill, a new federal Clean Drinking Water Act, efforts to balance the federal budget, and other changes in federal law.

At the state level, conservation and environment programs are funded from a combination of sources which includes general funds, the Environmental Trust Fund, a tax on petroleum to fund cleanup of underground storage tanks, a new tax on fertilizer, user fee cash funds for agencies such as the Game and Parks Commission, and other sources.

At the local level, funding for natural resource districts and local government conservation and environmental programs will likely undergo change as a result of efforts to reduce the property tax burden.

To properly provide for the environmental and conservation needs of Nebraska, the Legislature needs comprehensive information about the sources of funding for various environmental and conservation programs in Nebraska and the likely changes to that funding in future years. That information will help the Legislature ensure adequate funding for the state's needs in the future.

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

1. That the Natural Resources, Appropriations, 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.

LEGISLATIVE RESOLUTION 436. Introduced by Preister, 5; Wickersham, 49.

PURPOSE: To review the Emergency Planning and Community Right-to-Know program which is contained in the Superfund Amendments and Reauthorization Act of 1986, P.L.99-499, 100 Stat. 1728 (SARA) Title III, and in particular the implementation of the program in the State of Nebraska, including: Funding mechanisms and an assessment of the current Local Emergency Planning Committee

(LEPC) program and the State Emergency Response Commission (SERC).

The program is designed to: (1) Increase the public's knowledge of and access to information concerning the presence and release of hazardous chemicals in their communities; (2) provide information for emergency planning and response; and (3) provide information on toxic chemical releases to the environment.

The study will also examine compliance enforcement and state and local authority under such act, training, reporting, and notification requirements and recommend any legislation that may be necessary to carry out the program in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 437. Introduced by Lindsay, 9; Pedersen, 39.

PURPOSE: The purpose of this resolution is to examine issues surrounding the practice by any agency, department, board, commission, or other governmental unit of the State of Nebraska or of its political subdivisions of distributing a variety of documents, such as a newsletter and annual report, to various mailing lists. The study should focus on the costs involved in the production and distribution of these documents. An analysis should be made of the need for these documents and whether adequate public access to records could be accomplished more economically by electronic or other means. The study should also examine the extent of duplication of information.

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

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1368. Mr. Brashear withdrew his amendment, AM3903, found in the Journal on page 1313.

Mr. Chambers offered the following amendment:
FA585

1. On page 2, lines 11-12, strike, "both new and existing businesses to relocate to and", and insert, "new businesses to relocate to and existing businesses to;

2. In line 16, strike the comma and "more" and after "administratively", insert "more";

3. In line 19, strike "needing to be";

4. In line 20, after "the" insert "company uses the"

5. In lines 20-21, strike, "will be used by the company for the" and insert "for".

6. In line 23, after "programs", insert "or any combination thereof, as determined by the company"

Mr. Landis and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 438. Introduced by Robak, 22.

PURPOSE: To study the possibility of restructuring bill introduction and bill hearing dates in addition to constitutional legislative working days.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 439. Introduced by McKenzie, 34.

PURPOSE: The purpose of this resolution is to study the compensation structure of public K-12 school districts in the State of Nebraska and the structure's relationship and impact on the rate of education budget expansion. The Nebraska Legislature during the

Ninety-fourth Legislature, Second Session, 1996, demonstrated its willingness to develop solutions to the Nebraska property tax dilemma and recognized that public K-12 education represents one of the major consumers of property taxes in the state. This policy decision places an added responsibility on school boards to exercise fiscal prudence in all budget line items. Historically, approximately eighty percent of Nebraska's K-12 education budgets for public schools is committed to salaries and benefits.

This study shall include, but not be limited to, the use of salary schedules, salary structures, and models developed in other states and the process for regulating comparability.

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

1. That a select committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its 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 increases in juvenile crime are outpacing the ability of the juvenile justice system to adequately deal with the juveniles. The increased county court costs and workload for the county attorneys are paid with county property taxes, which are difficult for many taxpayers to absorb. This study will examine whether county attorneys have the dispositional options necessary to protect the public in a cost-effective manner while providing guidance and discipline to juvenile offenders.

Specifically, the study shall examine, but not be limited to:

(1) The statutory and informal dispositional options used by county attorneys;

(2) Whether the juvenile justice community members, including court officials, county attorneys, police departments, and social workers need new dispositional options to reduce the number of juveniles who face court hearings;

(3) Whether victim-offender mediation is a cost-effective means of dealing with nonviolent juvenile crime;

(4) The record of the Office of Dispute Resolution in dealing with mediation cases; and

(5) The success of juvenile offender-victim mediation in reducing the juvenile recidivism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 441. Introduced by Wesely, 26.

PURPOSE: The purpose of this study is to examine conditions on Indian reservations in Nebraska. This study should examine economic opportunities and the health and human services available on the reservations. The study should examine how best to meet the needs of the Native American population in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 442. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Pirsch, 10; Schimek, 27.

PURPOSE: To oversee the implementation of the Nebraska Partnership Project as enacted in Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 443. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Pirsch, 10; Schimek, 27.

PURPOSE: To study health and human services issues. The State of Nebraska is affected fiscally, morally, and socially by the need for, and provision of, human service programs and by the health status of its citizens. The health and human services issues to be studied shall include, but not be limited to: Cost containment for health care services; availability of health care providers; health care for emergency service and trauma system development; affordable housing; mental health; developmental disabilities; the role of counties in health and human services programs; substance abuse; poverty; welfare reform; regulation of health professions; foster care; the comprehensive health insurance pool; rural health care availability; health care purchasing pools; teenage pregnancy; child abuse; adult abuse; medicaid services; disabled persons and family support programs; child care; the Nebraska Mental Health Commitment Act; certificate of need; and health and human services and economic opportunities on Indian reservations. These issues need review by the Legislature to determine the appropriate legislative responses.

In addition, the study shall include an examination of: The regulation and oversight of hospitals, especially those which are not surveyed by the Joint Commission on Hospital Accreditation; the child care licensing system to determine whether the process should be consolidated and whether there are ways to simplify the licensing process; the role and mission of the regional centers in the mental health care delivery system; the issues associated with the regulation of design professionals; drinking water contamination and methods for the prevention or alleviation of contamination of drinking water; and issues associated with grandparents raising grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 444. Introduced by Wesely, 26.

PURPOSE: The purpose of this study resolution is to study the current role and the possible future role of the State of Nebraska and its citizens in the oversight and regulation of hospital and health-care-related mergers, acquisitions, and affiliations. This study

will also evaluate the effect of the systems' changes which have occurred in the health care industry and its delivery system and the impact these changes have had and will have on the health care marketplace, on providers of health care services, on health care costs, and on health care consumers in Nebraska and in adjoining states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 445. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: With the changes occurring in the marketplace due to federal deregulation of the natural gas industry, it is important for Nebraska to begin a comprehensive review and study of the current state of the natural gas industry, the nature and impact of federal regulatory changes, and how Nebraska can best respond to insure the lowest possible natural gas prices for consumers and the most efficient and economic delivery system.

This study should include the following elements:

(1) An examination of the commodity costs and other factors that determine the price of natural gas delivered to Nebraska's local distribution companies;

(2) An examination of the statutory barriers to open access to sources of natural gas (both inside and outside municipalities) and the availability of nondiscriminatory transportation services;

(3) An examination and analysis of pilot projects in Nebraska and elsewhere on open access and nondiscriminatory transportation services;

(4) An examination of the different taxation regimes and strategies for public-owned and investor-owned natural gas utilities and the effects of such regimes and strategies on the cost of natural gas, the allocation of financial and capital resources by such utilities, and the impact on state and local government budgets;

(5) An examination and analysis of current federal regulatory policies and national industry trends;

(6) An analysis of the current and projected size of the market for natural gas in Nebraska, the nature of the demand, the classes of customers, and the elasticity of demand for natural gas in each consumer class;

(7) An examination of the current utilities, publicly and privately owned, that provide natural gas service in Nebraska and the potential for new providers under various deregulation or open-access market strategies;

(8) A review of the types and varieties of franchise agreements between municipalities and private LDC's and an analysis of the need for reform or modification of current laws governing such agreements;

(9) An analysis of the need for centralized regulation on a statewide basis of natural gas service and rates and the potential nature and extent of such regulation;

(10) An examination and analysis of sales and transportation services that are offered by Nebraska's natural gas utilities, the degree of customer satisfaction, the costs associated with various forms of services, and the equality of availability to Nebraska consumers;

(11) An examination of the status of nonmunicipal consumers of natural gas; and

(12) An examination and analysis of practical barriers that could exist to the adoption of full and open access to the individual consumer level in the operation, administration, and regulation of natural gas utilities in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 446. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Over the course of the past two years, the Urban Affairs Committee has devoted a substantial proportion of its time to the review of municipal planning, zoning, and annexation law and to sanitary and improvement districts and how they operate in relation to municipalities under current law. Discussions of property tax reform during the past year have further pointed out the need for a careful study of the relationship and synergy between these two classes of public bodies.

This study would include the following:

(1) A review of the laws and operations of cities of all classes and villages with regard to planning and zoning, subdivision regulation and development, and annexation;

(2) A study of the operations of the various municipal bodies engaged in the planning process, including planning commissions, boards of adjustment, and building boards of review;

(3) A study of sanitary and improvement districts, the statutes governing their operations, the finances of their operations, and their relationship with municipalities and counties;

(4) A review of the services which sanitary and improvement districts are authorized to provide to their citizens and the services which those citizens receive from neighboring cities and counties;

(5) A review of the finances of annexation and the manner in which financial considerations impact on annexation decisions;

(6) A study of what changes would be appropriate in state law to facilitate annexation or to enable sanitary and improvement districts to exist as "stand-alone" bodies with enhanced powers and authority; and

(7) An examination of the costs of financing municipal development and facilitating economic development in cities and their surrounding areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 447. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Preister, 5; Robinson, 16; Schimek, 27; Will, 8.

PURPOSE: Of the several standing committees, the Urban Affairs Committee has perhaps the broadest and most diverse subject matter jurisdiction. Issues which will become the subject of future legislation often arise from problems in specific cities and villages in a manner which does not lend itself to early identification or classification as might be the case within the jurisdiction of other committees. More often than not, these issues arise outside of the time period of the regular legislative session. Recognizing this fact, the Urban Affairs Committee has, in the past seven years, undertaken during the interim period a general study aimed at identifying specific problems prior to the next legislative session. This generally permits more careful review and drafting of proposed legislation before the next session when time constraints and the pace of legislative activity make studied review impossible.

The purpose of this study will be to continue the process begun by LR95, Ninety-first Legislature, First Session, 1989. This study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 1996 regular legislative session which was either killed in committee or died without action by the full Legislature in order to prepare such legislation for reintroduction in the next legislative session or to determine what further action by the committee may be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the next session begins; and

(3) The conduct of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving the committee's jurisdiction.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1368. Mr. Chambers offered the following amendment:
FA589

On page 3, line 9, strike the period and add, "and the employee or employees pursuant to a collective bargaining agreement".

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

Mr. Chambers withdrew his amendment.

Mr. Brashear 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 the advancement of the bill.

Voting in the affirmative, 39:

Avery	Crosby	Janssen	McKenzie	Stuhr
Bernard-Stevens	Elmer	Jensen	Pedersen	Vrtiska
Beutler	Engel	Klein	Pirsch	Warner
Bohlke	Fisher	Kristensen	Preister	Wehrbein
Brashear	Hartnett	Lindsay	Robak	Wickersham
Bromm	Hilgert	Lynch	Robinson	Will
Brown	Hillman	Matzke	Schimek	Witek
	Hudkins	Maurstad	Schrock	Withem

Voting in the negative, 6:

Chambers	Landis	Schellpeper	Schmitt	Wesely
Coordsen				

Present and not voting, 3:

Cudaback	Dierks	Jones

Excused and not voting, 1:

Abboud

Advanced to E & R for review with 39 ayes, 6 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 448. Introduced by Wesely, 26.

PURPOSE: Sex crimes are the most intrusive and personal of crimes committed against victims. The high recidivism rate of the perpetrators of these crimes indicates that a relatively small group of offenders commits a large majority of the crimes. This study proposes to examine whether the State of Nebraska is successfully reducing the recidivism rates of sex offenders. Specifically, the study shall address, but not be limited to:

(1) The number of sex offenders in our correctional facilities, their average sentences, and the number of repeat offenders;

(2) The average number of people victimized by sex offenders;

(3) The number of sex offenders paroled by the State of Nebraska and the recidivism rate of those parolees who have not participated in sex offender treatment;

(4) The number of sex offenders who have participated in sex offender treatment in both the Department of Correctional Services and the Department of Public Institutions and the groups' recidivism rate;

(5) A comparison of the recidivism rates of those offenders sentenced to more than five years in prison to the rates of those who are sentenced to less than five years; and

(6) The effectiveness of mandatory minimum sentences given to those persons convicted of multiple first degree sexual assaults in reducing recidivism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 449. Introduced by Wesely, 26.

PURPOSE: Microbusinesses, those employers with five or fewer workers, are one of the most dynamic job-producing sectors of the economy. Their continued growth encourages entrepreneurship, enhances the ability of low-income households to become more self-sufficient, and keeps Nebraska's economy vibrant. However, microbusiness owners face difficulties in starting their businesses. Because of their small size, start-up loans to these businesses are generally not profitable to the commercial lending community.

This study would assess whether a state-sponsored capital pool would significantly help the development of microbusinesses. The study would determine:

(1) The need for microloans and the regions of the state that would benefit;

(2) The amount of capital necessary to adequately serve Nebraska's emerging microbusiness sector;

(3) The most efficient means of administering microloans; and

(4) Whether such a capital pool would attract commercial lenders to the microbusiness level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 450. 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-FOURTH 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 electric utility industry in Nebraska, which may include a review of:

(1) The Nebraska Power Review Board's authority to modify electric utility service areas as evidenced by legislative history, recent case law, and the board's own rulings;

(2) The statutes dealing with modification of service areas;

(3) The formula in section 70-1010 for compensating a utility for transfer of facilities and customers; and

(4) Whether ratepayers could benefit from a merger, consolidation, or other business structure between two or more utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 methods of expanding ethanol fuel demand in Nebraska and evaluate nontraditional biomass feedstocks and technology that can be used to expand ethanol production. The study may include: An evaluation of methods for increasing the use of ethanol-based fuels; a review of such methods used in other states; the

impact of specific options on Nebraska ethanol producers; ethanol plant construction and expansion in Nebraska; options for additional plant expansion; nontraditional biomass feedstocks available in Nebraska; methods to encourage the use of nontraditional feedstocks and emerging technology for ethanol production and converting biomass to electricity; and the potential impact of increased biomass use in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 analyze safety awareness among propane consumers and propane industry personnel in Nebraska and to examine means by which to provide a coordinated effort to address both consumer safety issues and employee training on a broad basis. Topics for safety awareness may include: Uncapped lines; oven explosions; undetected leaks; unsafe cylinder transportation; improperly maintained outdoor grills; odor fade; lighting appliances; failure to observe ignition sources when filling tanks; unapproved appliances installed in mobile homes; static electricity; overfilling tanks and cylinders; improper installations; line corrosion; and failure to follow out-of-gas procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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: Funding for conservation and environmental programs and state recreational trails in Nebraska comes from a variety of sources. The federal government provides funding from the United States Department of Agriculture for farm-related conservation programs, such

as the Conservation Reserve Program and Wetlands Reserve Program, from sources including the United States Fish and Wildlife Service and the Pittman-Robertson Act, from the Environmental Protection Agency for clean water and other programs, and from a variety of other sources. Additionally, such funding from the federal government is certain to change as a result of the passage of a new farm bill, the new Safe Drinking Water Act and Clean Water Act, efforts to balance the federal budget, and other changes in federal law.

At the state level, conservation and environmental programs are funded from a combination of sources including General Funds, the Environmental Trust Fund, a fee on petroleum to fund cleanup of underground storage tanks, a fee on fertilizer, user fee cash funds for agencies such as the Game and Parks Commission, and from other sources.

At the local level, funding for natural resources districts and other local government conservation and environmental programs will likely undergo change as a result of efforts to reduce the property tax burden in Nebraska.

To properly provide for the environmental, conservation, and recreational needs of Nebraska, the Legislature needs comprehensive information about the sources of funding for various environmental, conservation, and recreational programs in Nebraska and any probable changes to that funding in future years. That information will help the Legislature ensure adequate funding for the state's needs in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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: To study the electric utility industry in Nebraska. An advisory group of interested parties will be convened to assist the Natural Resources Committee of the Legislature in conducting a study which may include a review of:

(1) The issues related to competition and restructuring in the electric industry, and consideration of the factors that will provide a framework for such review, including, for example, electric system reliability, long-term system efficiency and power generation planning, rates, terms, and conditions of electric service, retail service areas, universal service and obligation to serve, general customer service, effects on different customer classes, comparability of service, fair, reasonable,

nondiscriminatory rates, market-based pricing of services, coordination among services, effects of various legal requirements, tax structures, and financing structures on price, service, revenue bonds, and debt ratings, recovery of stranded investments and other transition costs, principles of public power, energy efficiency, fuel diversity, the role of renewable energy development in an environment of market-based pricing of electric service, environmental and social issues, maintaining a highly skilled work force, barriers to competition and open access, technology development, and encouraging the retention and growth of business in Nebraska;

(2) The possible effects in Nebraska of industry restructuring activities in other states and recent federal legislative and regulatory actions such as S. 1526 that is pending in the U.S. Senate and the Federal Energy Regulatory Commission rulemaking and decisions implementing the Energy Policy Act of 1992; and

(3) The regulatory jurisdictional issues addressed by utility boards of directors, the Nebraska Power Review Board, and other state level regulatory entities, federal power marketing administrations, such as the Western Area Power Administration, including legal requirements, contracts, and power allocations under such administrations, regional transmission groups, the federal Nuclear Regulatory Commission, and the Federal Energy Regulatory Commission, including the extent of federal regulatory jurisdiction in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 456. Introduced by Wesely, 26.

PURPOSE: The state government of Nebraska depends of its tax revenue in order to provide services to its citizens. The ability of government to deliver those services is greatly strained when tax revenue is reduced significantly due to tax incentives provided to businesses.

This study proposes to examine:

(1) The number of businesses and individuals which have no tax liabilities as a result of state economic incentive programs and the amount of revenue lost by the state;

(2) The average Nebraska income of these businesses;

(3) Which business entities most frequently allow businesses to file returns with no tax liability and the differences in entities which allow the situation;

(4) How much Nebraska income from businesses can be exempted by personal deductions given to individuals. Some business entities allow business income to be filed on individual returns, providing deductions not given to businesses that file corporate returns; and

(5) Whether the recipients of state tax incentives should be subjected to a minimum tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 457. Introduced by Wesely, 26.

PURPOSE: Public schools consume the largest portion of every Nebraskan's property tax dollars. Any meaningful attempt to address property taxes must include an examination of public school spending of property tax dollars, especially administrative costs. This study should examine school reorganization that could provide cost-effective educational administration without reducing educational excellence.

The study shall examine:

(1) The number of administrative staff in Nebraska public schools and the amount of revenue needed to support them;

(2) The number of school districts whose administrative center is within the twenty miles of other school district administrative centers;

(3) The cost-effectiveness and educational attainment of districts that have merged since 1991;

(4) The number of districts that have merged as a result of previous state reorganization legislation; and

(5) Wyoming's system of allowing one school district per county.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 458. Introduced by Wesely, 26.

PURPOSE: According to the "Development Report Card on the States", Nebraska ranks forty-fifth nationally in wages earned by its full-time workers. In many cases, low-wage workers cannot afford basic provisions for living such as food, shelter, and clothing. In other cases, families with children need both parents working and still struggle to survive. State government is forced to fill in the gap between wages and a minimum standard of living for low-wage, full-time workers.

This study proposes to examine the reasons behind Nebraska's low wages and what can be done about it. The study shall examine:

(1) The number of low-wage workers in Nebraska and their ability to maintain a minimum standard of living;

(2) The amount of state government aid currently required to maintain a minimum standard of living for low-wage, full-time workers;

(3) How state policy affects the earnings of wage earners, including minimum wage laws and tax policy; and

(4) Steps that can be taken to raise wages for full-time workers in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 459. Introduced by Wesely, 26.

PURPOSE: Changes to the homestead exemption program in recent years have reduced the number of people eligible and the amount of property valuation exempted. This study proposes to determine the effects of these changes on Nebraskans who lost part or all of their homestead exemptions since 1993. Specifically, the study should determine:

(1) The number of people made ineligible for a homestead exemption from the 1993 changes in eligibility rules;

(2) The average total income earned by those being studied;

(3) The average amount of property valuation exempted for this group before the 1993 changes; and

(4) The average increase in property taxes for this group from 1993 to the present.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

GENERAL FILE

LEGISLATIVE BILL 1375. Title read. Considered.

Standing Committee amendment, AM3078, found in the Journal on page 758, was considered.

Messrs. Bromm and Robinson renewed their pending amendment, AM3950, found in the Journal on page 1377, to the Standing Committee amendment.

MR. COORDSEN PRESIDING

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

Messrs. Bromm and Robinson asked unanimous consent to replace their pending amendment, AM3950, found in the Journal on page 1377, with a substitute amendment. No objections. So ordered.

Messrs. Bromm and Robinson withdrew their amendment, AM3950, found in the Journal on page 1377.

Mr. Bromm and Mrs. Hillman offered the following substitute amendment to the Standing Committee amendment:

AM4153

(Amendments to Standing Committee amendments, AM3078)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Agency means all state agencies, departments, boards, commissions, and committees, the executive branch of state government, the judicial branch of state government, and the legislative branch of state government;

(2) Gateway means any centralized electronic information

system by which state government information is provided via dial-in modem or continuous link; and

(3) Public records includes all records and documents, regardless of physical form, of or belonging to this state or any agency, branch, department, board, bureau, commission, council, subunit, or committee of this state except when any other statute expressly provides that particular information or records shall not be made public. Data which is a public record in its original form shall remain a public record when maintained in computer files.

Sec. 2. The Legislature hereby finds that:

(1) Public records are publicly valuable information;

(2) Access to public records is a valuable resource;

(3) The increasing availability and use of computers is creating a growing demand for electronic access to public records;

(4) Agencies should use new technology to enhance public access to public records;

(5) There must be public accountability in the process of collecting, sharing, disseminating, and accessing public records;

(6) The Legislature has oversight responsibility for the process of collecting, sharing, disseminating, and providing access, including electronic access, to public records;

(7) Several agencies, individually and collectively, are providing electronic access to public records through various means, including gateways;

(8) There is no uniform policy regarding the management, operation, and oversight of systems providing electronic access to public records; and

(9) Determining and setting fees, if any, for access to public records is a legislative function.

Sec. 3. An agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records for a fee if the public record would otherwise be free under state law or for a fee greater than allowed by state law unless specifically authorized by section 4 of this act. Any such contract in existence on the effective date of this act shall be terminated on January 31, 1998.

Sec. 4. Subject to the approval of the Executive Board of the Legislative Council of any proposed fee not specified in state law for accessing public records, any agency which is party to a contract (1) terminated by section 3 of this act or (2) not authorized under existing state statutes and which is related to the provision of public records, may contract for the provision of public records for a term not to extend beyond January 31, 1998.

The review by the executive board of a contract in existence on the effective date of this act under section 3 of this act shall be limited to the quality of the services provided, the security of the public records, any proposed increases in fees for services initiated by the parties to the contract, and any expansion or reduction in the level of services provided as of the

effective date of this act.

Sec. 5. (1) The Task Force on Electronic Access to State Government Information is created. The task force shall consist of the following members:

(a) The chairperson of the Executive Board of the Legislative Council;

(b) The Speaker of the Legislature;

(c) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(d) Three members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council; and

(e) Three 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 representative appointed by the Governor to be broadly representative of banking, insurance, and law groups;

(b) One representative appointed by the Governor to be broadly representative of libraries, consumer groups, and the general public; and

(c) One representative appointed by the Governor to represent agencies of the executive branch of government.

(3) The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The members shall be appointed within twenty days after the effective date of this act.

(4) The task force shall investigate how to best oversee and provide electronic access to public records. The investigation shall include, but not be limited to:

(a) Convening at least three public meetings for input from the general public and individuals knowledgeable in areas related to electronic access to information;

(b) Exploring technological ways and means of improving access to public records;

(c) A comparative review of other states;

(d) A comprehensive review of access to public records; and

(e) A review and analysis of current oversight of electronic access to public records.

The task force shall provide a written report by December 1, 1996, to the Legislature which includes recommendations for any changes to state law that are necessary to best oversee and provide electronic access to public records.

(5) The task force shall cease to exist on December 31, 1996.

Sec. 6. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

MRS. CROSBY PRESIDING

Messrs. Bernard-Stevens, Brashear, and Schellpeper asked unanimous consent to be excused until they return. 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. Bromm moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Bromm-Hillman amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 460. Introduced by Stuhr, 24; Robak, 22.

PURPOSE: To study the use of both income and property tax as a determinant of wealth in a school district in relation to the Tax Equity and Educational Opportunities Support Act. The study shall include, but not be limited to, the following issues:

(1) Equal educational opportunities for students;

(2) Taxpayer equity in funding education; and

(3) Other states school finance formulas and their reliance on income and property tax as means of financing education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

AMENDMENT - Print in Journal

Messrs. Lindsay, Engel, and Fisher filed the following amendment to LB 1189:
AM4155

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 44. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

The Department of Administrative Services is hereby authorized to negotiate for the use and possible acquisition of the real property and buildings, previously operated as Rivendell Psychiatric Hospital in Seward County, Nebraska. Subject to the approval by the Ninety-fifth Legislature, it is the intent of the Legislature to appropriate the necessary funds for purchase of the Rivendell property. The purpose of such use and acquisition would be the operation of a facility for short-term and long-term housing and treatment of convicted felons sentenced to the Department of Correctional Services.".

2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Pirsch asked unanimous consent to have her name added as cointroducer to LR 388. No objections. So ordered.

VISITORS

Visitors to the Chamber were Victor Prochazka from Omaha; 12 fourth grade students and sponsor from Central Christian, Omaha; and Senator Schellpeper's son and daughter-in-law, Jeff and Kathy Schellpeper, and grandsons, Andrew and Eric from Lincoln.

The Doctor of the Day was Hugh R. Holmquist from Burwell.

ADJOURNMENT

At 9:34 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, March 27, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIRST DAY - MARCH 27, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Charles Tyler (retired), Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Coordsen, Dierks, Hilgert, Landis, Lindsay, Pedersen, Robinson, Will, Mmes. Bohlke, Brown, McKenzie, Stuhr, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 1213. 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 1213A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 1306. Title read. Considered.

Standing Committee amendment, AM3211, found in the Journal on page 830, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Messrs. Kristensen, Wickersham, Matzke, and Mrs. Hillman renewed their pending amendment, AM4117, found in the Journal on page 1511.

The Kristensen et al. amendment was adopted with 29 ayes, 0 nays, 12 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.

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

LEGISLATIVE BILL 1104. Title read. Considered.

Messrs. Schellpeper, Vrtiska, and Dierks renewed their pending amendment, AM3747, found in the Journal on page 1196.

The Schellpeper et al. amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1069. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1277. Title read. Considered.

Mr. Fisher renewed his pending amendment, AM3741, found in the Journal on page 1185.

The Fisher amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1070. Title read. Considered.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM3311, found in the Journal on page 924, 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 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1241. Title read. Considered.

Standing Committee amendment, AM2989, found in the Journal on page 929, 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 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 323. Title read. Considered.

Standing Committee amendment, AM0191, found in the Journal on page 592, First Session, 1995, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Kristensen renewed his pending amendment, AM4106, found in the Journal on page 1509.

The Kristensen amendment 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 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 323A. 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 1190. Messrs. Lindsay, Wehrbein, Withem, and Wickersham renewed their pending amendment, AM4143, found in the Journal on page 1562, to the Standing Committee amendment.

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

The Lindsay et al. amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

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

Mr. Bromm offered the following amendment to the Standing Committee amendment:
FA590

Amend the Committee Amendments, AM3412, by:

(1) On Page 5, line 19, strike "approve" and after and, insert "recommend to the Legislature and the Governor,"

(2) On Page 6, Line 4, strike the word "approve", and insert, after and, "recommend for approval"

(3) On Page 6, Line 7, after Act; insert

"Any contract between the department and others, except outside vendors, shall be subject to the approval of the Governor. Any contract between the Department and an outside vendor shall be subject to the approval of the Appropriations Committee of the Legislature.

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

MR. WILL PRESIDING

Mr. Bromm requested a division of the question on the Bromm amendment.

The Chair sustained the division of the question.

The first Bromm amendment to the Standing Committee amendment is as follows:
FA592

Amend the Committee Amendments, AM3412, by:

(1) On Page 5, line 19, strike "approve" and after and, insert "recommend to the Legislature and the Governor,"

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

The first Bromm amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The second Bromm amendment to the Standing Committee amendment is as follows:
FA593

Amend the Committee Amendments, AM3412, by:

(2) On Page 6, Line 4, strike the word "approve", and insert, after and, "recommend for approval"

(3) On Page 6, Line 7, after Act; insert

"Any contract between the department and others, except outside vendors, shall be subject to the approval of the Governor. Any contract between the Department and an outside vendor shall be subject to the approval of the Appropriations Committee of the Legislature.

Mr. Bromm withdrew his second amendment.

Mr. Lynch offered the following amendment to the Standing Committee amendment:
FA591
Strike Section 13 of AM3412.

SPEAKER WITHEM PRESIDING

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

Mr. Lynch withdrew his amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 313. Read. Considered.

LR 313 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE RESOLUTION 337. Read. Considered.

LEGISLATIVE RESOLUTION 338. Read. Considered.

LEGISLATIVE RESOLUTION 339. Read. Considered.

LEGISLATIVE RESOLUTION 340. Read. Considered.

LEGISLATIVE RESOLUTION 341. Read. Considered.

LEGISLATIVE RESOLUTION 344. Read. Considered.

LEGISLATIVE RESOLUTION 345. Read. Considered.

LEGISLATIVE RESOLUTION 346. Read. Considered.

LEGISLATIVE RESOLUTION 347. Read. Considered.

LEGISLATIVE RESOLUTION 348. Read. Considered.

LEGISLATIVE RESOLUTION 351. Read. Considered.

LEGISLATIVE RESOLUTION 352. Read. Considered.

LEGISLATIVE RESOLUTION 342. Read. Considered.

LEGISLATIVE RESOLUTION 354. Read. Considered.

LEGISLATIVE RESOLUTION 364. Read. Considered.

LEGISLATIVE RESOLUTION 390. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 351, 352, 354, 364, and 390 were adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE RESOLUTION 343. Reported to the Legislature for further consideration with the following amendment:
AM4141
1. In the first resolved in subdivision (c) after the last semicolon insert "and"; in subdivision (d) strike "; and" and insert a period; and strike subdivision (e).

(Signed) Bob Wickersham, Chairperson

SELECT FILE

LEGISLATIVE BILL 1120. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1191. E & R amendment, AM7248, found in the Journal on page 1469, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1265. E & R amendment, AM7251, found in the Journal on page 1469, was adopted.

Advanced to E & R for engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 108A. 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 108, Ninety-fourth Legislature, Second Session, 1996.

LEGISLATIVE BILL 1244A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1995, LB 394, sections 8, 9, and 17; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1244, Ninety-fourth Legislature, Second Session, 1996; and to reduce certain appropriations.

NOTICE OF COMMITTEE HEARING
Natural Resources

Governor Appointment Tuesday, April 9, 1996 8:45 a.m.
Marquis Reed Gilmore - Oil and Gas Conservation Commission

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 1190:
FA594
Amend AM3412 by inserting the following words on Pg 6, line 7, after Act;
Before any contract between the department and an outside vendor is entered into, pursuant to this Act, the Department shall hold a public hearing on the same and advise the Appropriations Committee of the Legislature of such hearing and proposed contract.

Mr. Wehrbein filed the following amendment to LB 1190:
FA595
Amend AM3412
on pg 13 line one after 'Legislature' strike shall and insert 'may'
on pg 13 line 6 after year strike 'shall' and insert 'may' and strike ", and are hereby,"

UNANIMOUS CONSENT - Add Cointroducer

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1104. No objections. So ordered.

VISITORS

Visitors to the Chamber were Mrs. William Doering from Franklin; Sue Chang from Taiwan; 55 fourth grade students and teachers from St. Wenceslaus Elementary School, Wahoo; 45 eighth grade students and teachers from Wilber-Clatonia School, Wilber; 20 fourth grade students and teacher from St. John's School, Plattsmouth; 64 fourth grade students, teachers, and parents from St. Wenceslaus Elementary, Omaha; and Kevin Parker from Indianola, Iowa.

RECESS

At 12:00 noon, on a motion by Mr. Maurstad, 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, Dierks, Elmer, Jensen, Kristensen, Landis, Robinson, Schellpeper, Schrock, Warner, Wehrbein, Will, Mmes. McKenzie, Robak, and Stuhr who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1055. E & R amendment, AM7213, found in the Journal on page 988, was adopted.

Messrs. Lindsay and Wesely asked unanimous consent to replace their pending amendment, AM3304, found in the Journal on page 913, with a substitute amendment. No objections. So ordered.

Messrs. Lindsay and Wesely withdrew their amendment, AM3304, found in the Journal on page 913.

Messrs. Lindsay and Wesely renewed their pending substitute amendment, AM3733, found in the Journal on page 1187.

The Lindsay-Wesely amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Wesely withdrew his amendment, AM3551, found in the Journal on page 1092.

Mr. Schmitt renewed his pending amendment, AM3521, found in the Journal on page 1171.

The Schmitt amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Beutler offered the following amendment:
AM3350

1. On page 5, line 11, after the period insert "The target shall be fired upon at a distance or at distances prescribed by the Nebraska Law Enforcement Training Center."; and in line 13 after the period insert "A law enforcement officer participating in the minimum firearm qualification test shall use the firearm or

6 firearms he or she will be authorized to use while on duty.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 575. E & R amendment, AM7217, found in the Journal on page 1074, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 754. E & R amendment, AM7202, found in the Journal on page 849, was adopted.

Mr. Bernard-Stevens withdrew his amendments, FA412, FA414, and FA420, found in the Journal on pages 676, 677, and 696.

Mr. Chambers withdrew his amendments, FA428 and FA429, found in the Journal on pages 710 and 711.

MRS. CROSBY PRESIDING

Mr. Bernard-Stevens renewed his pending amendment, AM3336, found in the Journal on page 1019.

The Bernard-Stevens amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mrs. Bohlke, Messrs. Hilgert, and Bernard-Stevens renewed their pending amendment, AM3238, found in the Journal on page 1021.

The Bohlke et al. amendment was adopted with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Mrs. Bohlke and Mr. Bernard-Stevens renewed their pending amendment, AM3498, found in the Journal on page 1024.

The Bohlke-Bernard-Stevens amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens withdrew his amendment, AM3749, found in the Journal on page 1179.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 754A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 681. E & R amendment, AM7216, found in the Journal on page 991, was adopted.

Ms. Schimek and Mr. Avery asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen renewed his pending amendment, AM2998, on file and referred to on page 1068.

The Kristensen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Wesely withdrew his amendment, AM3935, found in the Journal on page 1381.

Mr. Wesely renewed his pending amendment, AM4015, found in the Journal on page 1430.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 604. E & R amendment, AM7220, printed separately and referred to on page 1073, was adopted.

Mr. Bernard-Stevens withdrew his motion, found in the Journal on page 1062, to bracket until March 21, 1996.

Mr. Bernard-Stevens renewed his pending amendment, AM3589, found in the Journal on page 1103.

Mr. Bernard-Stevens withdrew his amendment.

Ms. Schimek renewed her pending amendment, AM3386, found in the Journal on page 1114.

SPEAKER WITHEM PRESIDING

Mr. Bernard-Stevens requested a ruling of the Chair on whether the Schimek amendment is germane to the bill.

The Chair ruled the Schimek amendment is not germane to the bill.

Mr. Withem withdrew his amendment, AM3624, found in the Journal on page 1122.

Messrs. Jones and Wickersham withdrew their amendment, AM3540, found in the Journal on page 1129.

Mr. Wesely withdrew his amendment, AM3774, found in the Journal on page 1208.

Mr. Withem withdrew his amendments, AM3797 and AM3713, printed separately and referred to in the Journal on page 1243.

Mr. Withem withdrew his amendments, AM3715 and AM3716, found in the Journal on page 1243.

Mr. Wesely withdrew his amendment, AM4042, found in the Journal on page 1463.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1373. E & R amendment, AM7218, found in the Journal on page 1075, was adopted.

Mr. Warner renewed his pending amendment, AM4039, found in the Journal on page 1466.

The Warner amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Warner renewed his pending amendment, AM4037, found in the Journal on page 1466.

The Warner amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Wesely offered the following amendment:
AM4172

(Amendments to E & R amendments, AM7218)

1. Strike section 4 and insert the following new section:

"Sec. 4. Any models proposed for use by the Review Incentives Program Committee shall determine whether a tax incentive project provides a positive net return when the reductions in state and local revenue as a result of the tax incentives granted are compared to the state and local tax revenue and fees generated or induced minus the increased budget expenditures due to the project. In making the determination, the models shall consider and analyze the following factors:

(1) Tax shifts resulting from the granting of tax incentives;

(2) Additional local and state expenditures such as public infrastructure and community public service needs and local tax impacts arising from projects receiving incentives;

(3) Impacts on employers and employees of firms receiving

tax incentives;

(4) Impacts on those Nebraska employers and employees not receiving direct incentives or benefits;

(5) Impacts on state income tax revenue of tax incentive credits allowable to partnerships, limited liability companies, subchapter S corporations, estates, or trusts distributed to members, partners, and beneficiaries for use against their individual income tax liabilities; and

(6) Any other impacts determined by the committee to be relevant to the consideration of costs and benefits arising from tax incentive programs.".

Mr. Wesely withdrew his amendment.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1114. Placed on Select File as amended.
(E & R amendment, AM7264, 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 299. Placed on Select File as amended.
(E & R amendment, AM7265, 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 1177. Placed on Select File as amended.
E & R amendment to LB 1177:
AM7266

1. In the Standing Committee amendment, AM3653:

a. On page 3, line 20, after the comma insert "and";

b. On page 6, line 24, before "resolution" insert "adopted";

c. On page 8, line 21, strike "is" and insert "are"; and in line 22 strike "service" and insert "services";

d. On page 19, lines 7 and 8, strike "sections 77-27,142 to 77-27,148", show as stricken, and insert "the Local Option Revenue Act"; and

e. On page 25, line 6, strike beginning with the first comma through the second comma and insert "to".

2. On page 1, strike lines 2 through 6 and insert "13-802 to 13-804, 77-913, 77-27,144, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 1995; to provide state aid to municipalities; to define terms; to create a fund; to provide for interlocal agreements for public safety services; to authorize certain taxes; to provide

duties; to harmonize provisions; to provide an operative date; and to repeal the original sections.".

(Signed) David I. Maurstad, Chairperson

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 1232:
AM3987

1. In the Standing Committee amendment, AM2961, on page 1, strike beginning with "(1)" in line 6 through line 7 and insert "Butorphanol.".

Messrs. Schrock and Schellpeper filed the following amendment to LB 1104:
AM4162

1. Insert the following new section:

"Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Abboud filed the following amendment to LB 1343:
AM4129

1. On page 2, lines 9 through 11 and 26 through 28, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 11 through 14, strike the new matter and reinstate the stricken matter; and in line 12 after "guilty" insert ", except in a felony case the prosecutor may require a plea of guilty as a prerequisite to participation in a diversion program if failure in the program would prejudice subsequent prosecution. In such a case, the court shall accept the plea of guilty, but defer sentencing. Upon successful completion of the diversion program, such defendant shall be allowed to withdraw the plea of guilty and the court shall dismiss the case".

Messrs. Maurstad and Wesely filed the following amendment to LB 1155:
AM4161

(Amendments to AM3673)

1. On page 34, line 11, strike "local, state," and insert "state".

Mr. Beutler filed the following amendment to LB 1085:
AM4170

(Amendments to E & R Amendments, AM7255)

1. On page 1, line 12, after "board" insert "and the school board or board of education of each school district"; and in line 15 before the period insert "or through the consolidation of school districts".

Messrs. Warner and Wickersham filed the following amendment to LB 1085:
AM4169

(Amendments to Standing Committee amendments, AM3649)

1. On page 13, line 20, strike "adoption" through "voter" and insert "final".

2. On page 25, lines 20 and 21, strike "10 to 13, 17, and 18" and insert "10, 12 to 15, 19, and 20".

3. On page 26, line 12, before "each" insert "(1)"; and in line 15 strike ". Each", show as stricken, and insert "and (2) each".

4. On page 29, line 16, before "a" insert "(1)"; and in lines 21 and 22 strike ". If", show as stricken, and insert "and (2) if".

5. On page 30, line 10, after "in" insert "section 77-1340 and".

6. On page 31, line 17, after "(1)" insert "Except as provided in section 26 of this act:", before "(a)" insert paragraphing, and reinstate the striken matter; in lines 17 and 18 strike the new matter; and in line 21 strike the period, show as stricken, and insert "; and".

7. On page 36, line 15, after the period insert "Upon the assumption of the assessment function by the Property Tax Administrator, the term of office of the incumbent county assessor shall terminate and the county need no longer elect a county assessor pursuant to section 32-519.".

8. On page 39, line 19, strike "for".

Mr. Warner filed the following amendment to LB 1177:
AM4168

(Amendments to Standing Committee amendment, AM3653)

1. On page 3, line 4, strike "1997-98" and insert "1998-99".

2. On page 4, strike lines 24 and 25 and insert "is the levy authorized by subsection (8) of section 1, Legislative Bill 1114, Ninety-fourth Legislature, Second Session, 1996."; and in line 27 after "may" insert "by resolution of the governing body".

3. On page 5, strike beginning with "valid" in line 8 through line 9 and insert "the levy authorized by subsection (6) of section 1, Legislative Bill 1114, Ninety-fourth Legislature, Second Session, 1996.".

4. On page 6, line 18, strike "act" and insert "Nebraska Revenue Act of 1967, as amended,".

5. On page 15, line 8, after "various" insert "counties," and after "cities" insert an underscored comma.

6. On page 19, line 5, strike "deposited in" and insert "credited to".

Mr. Schellpeper filed the following amendment to LB 1255:

AM4164

(Amendments to Standing Committee amendments, AM3252)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 2-1207.01, Revised Statutes Supplement, 1994, is amended to read:

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, except that if a racetrack does not continue to conduct live race meets, amounts deducted may be distributed as purse supplements and breeder and stallion awards at racetracks that conduct live race meets and amounts deducted pursuant to a contract with the organization representing the majority of the licensed owners and trainers at the racetrack's most recent live race meet shall be used by that organization to promote live thoroughbred horseracing in the state or as purse supplements at racetracks that conduct live race meets in the state. Any costs incurred by the State Racing Commission pursuant to this section and subsection (2) of section 2-1207 shall be separately accounted for and be deducted from such funds.

Sec. 2. Section 2-1213, Reissue Revised Statutes of Nebraska, is amended to read:

2-1213. (1) No racing under sections 2-1201 to 2-1218 shall be permitted on Sunday except when approved by a majority of the members of the State Racing Commission upon application for approval by any racetrack. Such approval shall be given after the commission has considered: (a) Whether Sunday racing at the applicant track will tend to promote and encourage agriculture and horse breeding in Nebraska; (b) whether the applicant track operates under a license granted by the commission; (c) whether the applicant track is in compliance with all applicable health, safety, fire, and police rules and regulations or ordinances; (d) whether the denial of Sunday racing at the applicant track would impair such track's economic ability to continue to function under its license; and (e) whether the record of the public hearing held on the issue of Sunday racing at the applicant track shows reasonable public support. Notice of such public hearing shall be given at least ten days prior thereto by publication in a newspaper having general circulation in the county in which the applicant track is operating, and the commission shall conduct a public hearing in such county. The commission may adopt, promulgate, and enforce rules and regulations governing the application and approval for Sunday racing in addition to its powers in section 2-1203. If the commission permits racing on Sunday, the voters may prohibit such racing in the manner prescribed in section 2-1213.01. If approval by the commission for Sunday racing at the applicant

track is granted, no racing shall occur on Sunday until after 1 p.m.

No license shall be granted for racing on more than one racetrack in any one county, except that the commission may, in its discretion, grant a license to any county agricultural society to conduct racing during its county fair notwithstanding a license may have been issued for racing on another track in such county. Since the purpose of sections 2-1201 to 2-1218 is to encourage agriculture and horse breeding in Nebraska, every licensee shall hold at least one race on each racing day limited to Nebraska-bred horses. Three percent of the first money of every purse won by a Nebraska-bred horse shall be paid to the breeder of such horse.

(2) For purposes of this section, Nebraska-bred horse shall mean a horse registered with the Nebraska Thoroughbred or Quarter Horse Registry and meeting the following requirements: (a) It shall have been foaled in Nebraska; (b) its dam shall have been registered, prior to foaling, with the Nebraska Thoroughbred or Quarter Horse Registry; and (c) its dam shall have been continuously in Nebraska for ~~six months~~ ninety days immediately prior to foaling, except that such ~~six-month~~ ninety-day period may be reduced to ~~(i) ninety days in the case of a mare in foal which is registered as a brood mare with the Nebraska Thoroughbred or Quarter Horse Registry but which is being actively trained and raced outside Nebraska and is returned to this state and remains in this state continuously for ninety days immediately prior to foaling or (ii)~~ thirty days in the case of a mare in foal which is purchased at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, and which is brought into this state and remains in this state for thirty days immediately prior to foaling.

The requirement that a dam shall be continuously in Nebraska for either ~~six months,~~ ninety days~~,~~ or thirty days, as specified in subdivision (2)(c) of this section, shall not apply to a dam which is taken outside of Nebraska to be placed for sale at a nationally recognized thoroughbred or quarter horse blood stock sale, the name and pedigree of the mare being listed in the sale catalog, or for the treatment of an extreme sickness or injury, if written notice of such proposed sale or treatment is provided to the secretary of the commission within three days of the date such horse is taken out of the state.

The commission may designate official registrars for the purpose of registration and to certify the eligibility of Nebraska-bred horses. An official registrar shall perform such duties in accordance with policies and procedures adopted and promulgated by the commission in the current rules and regulations of the commission. The commission may authorize the official registrar to collect specific fees as would reasonably compensate the registrar for expenses incurred in connection with registration of Nebraska-bred horses. The amount of such fee or fees shall be

established by the commission and shall not be changed without commission approval. Fees shall not exceed one hundred dollars per horse.

Any decision or action taken by the official registrar shall be subject to review by the commission or may be taken up by the commission on its own initiative.

Sec. 3. Section 2-1226, Reissue Revised Statutes of Nebraska, is amended to read:

2-1226. Any racetrack issued a license under sections 2-1201 to 2-1223 which operates at least one live race meet during each calendar year except as provided in section 2-1228 may apply to the commission for a simulcast facility license. An application for such license shall be in such form as may be prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack issued a simulcast facility license may display the simulcast of a horserace on which parimutuel wagering shall be allowed.

Sec. 4. Original sections 2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and section 2-1207.01, Revised Statutes Supplement, 1994, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mrs. McKenzie filed the following amendment to LB 1188:
AM4125

(Amendments to Standing Committee amendments, AM3278)

1. Insert the following new section:

"Sec. 12. The Nonprofit Hospital Sale Act shall apply only to for-profit corporations filing articles of incorporation in this state on or after the effective date of this act.".

2. On page 1, line 9, after "Acquisition" insert ", subject to section 12 of this act,".

3. Renumber the remaining sections accordingly.

MESSAGE FROM THE SECRETARY OF STATE

March 21, 1996

Madam President, Mr. Speaker and
Members of the Legislature
State Capitol
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 requiring legislative confirmation:

Mark Hunzeker, Lincoln, Nebraska 68502, to the Nebraska Accountability and Disclosure Commission to complete an unexpired 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) Scott Moore
Secretary of State

CC: Dannie Trautwein
Rhonda Seacrest
Senator Bud Robinson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on a Governor appointment.

Hunzeker, Mark - Nebr. Accountability & Disclosure Comm. -- Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MRS. CROSBY PRESIDING

SELECT FILE

LEGISLATIVE BILL 1322. E & R amendment, AM7219, found in the Journal on page 1077, was adopted.

Mr. Landis renewed his pending amendment, AM3383, printed separately and referred to on page 1029.

The Landis amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Warner renewed his pending amendment, AM3587, found in the Journal on page 1103.

The Warner amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mrs. Pirsch asked unanimous consent to replace the Pirsch-Lynch pending amendment, AM3524, found in the Journal on page 1342, with a substitute amendment. No objections. So ordered.

Mrs. Pirsch and Mr. Lynch renewed their pending substitute amendment, AM3522, found in the Journal on page 1342.

Mrs. Pirsch and Mr. Lynch withdrew their amendment.

Mrs. Pirsch and Mr. Lynch withdrew their amendments, AM3524 and AM3523, found in the Journal on page 1342.

Mr. Wehrbein asked unanimous consent to be excused. No objections. So ordered.

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

Messrs. Beutler and Chambers renewed their pending amendment, AM4034, found in the Journal on page 1453.

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

The Beutler-Chambers amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Maurstad and Beutler withdrew their amendment, FA484, found in the Journal on page 1029.

Mr. Robinson withdrew his amendment, AM3676, found in the Journal on page 1401.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 901. E & R amendment, AM7238, printed separately and referred to on page 1273, was adopted.

Mr. Abboud withdrew his amendment, AM3418, found in the Journal on page 982.

Mr. Kristensen renewed his pending amendment, AM3910, found in the Journal on page 1316.

Messrs. Matzke, Brashear, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to be excused. No objections. So ordered.

The Kristensen amendment was adopted with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Coordsen renewed his pending amendment, AM3908, found in the Journal on page 1317.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Stuhr offered the following amendment:
FA596

Add following language on page 7, line 26 after "Dakota County".

"The maximum speed limit shall be seventy miles per hour for that portion of the National System of Interstate and Defense Highways designated as Interstate 80 in Sarpy, Cass, Lancaster, Seward, and York Counties."

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

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Mr. Klein 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 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 26 ayes, 0 nays, and 23 not voting.

SPEAKER WITHEM PRESIDING

Mrs. Stuhr requested a roll call vote on her amendment.

Mr. Brashear requested the roll call vote be taken in reverse order.

Voting in the affirmative, 21:

Avery	Brown	Engel	Pedersen	Schrock
Bernard-Stevens	Coordsen	Jensen	Pirsch	Stuhr
Brashear	Crosby	Jones	Preister	Vrtiska
Bromm	Cudaback	Landis	Schimek	Witek
	Dierks			

Voting in the negative, 21:

Abboud	Hilgert	Klein	Matzke	Wesely
Chambers	Hillman	Kristensen	Robak	Wickersham
Elmer	Hudkins	Lindsay	Schellpeper	Will
Fisher	Janssen	Lynch	Schmitt	Withem
Hartnett				

Present and not voting, 1:

Maurstad

Excused and not voting, 6:

Beutler	McKenzie	Robinson	Warner	Wehrbein
Bohlke				

The Stuhr amendment lost with 21 ayes, 21 nays, 1 present and not voting, and 6 excused and not voting.

Mrs. Witek requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Chambers	Hilgert	Lindsay	Schmitt
Avery	Coordsen	Hillman	Lynch	Warner
Bernard-Stevens	Dierks	Hudkins	Matzke	Wesely
	Elmer	Janssen	Maurstad	Wickersham
Brashear	Fisher	Klein	Schellpeper	Will
Bromm	Hartnett	Kristensen	Schimek	Withem
Brown				

Voting in the negative, 12:

Crosby	Jensen	Pedersen	Preister	Stuhr
Cudaback	Jones	Pirsch	Schrock	Witek
Engel	Landis			

Present and not voting, 1:

Robak

Excused and not voting, 6:

Beutler	McKenzie	Robinson	Vrtiska	Wehrbein
Bohlke				

Advanced to E & R for engrossment with 30 ayes, 12 nays, 1 present and not voting, and 6 excused and not voting.

Messrs. Hilgert, Fisher, Schmitt, Chambers, Kristensen, Brashear, Engel, Will, Janssen, Elmer, Mmes. Crosby, and Hudkins asked unanimous consent to be excused. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Vrtiska filed the following amendment to LB 1114:
AM4148

(Amendments to E & R amendments, AM7264)

1. Insert the following new section:

"Sec. 4. The Revenue Committee of the Legislature shall study the issue of providing replacement revenue to political subdivisions as a result of the levy limits contained in sections 1 and 2 of this act. The study shall include, but not be limited to, an examination of different methods of raising revenue for the provision of local services and various means to augment existing state aid programs for these political subdivisions. The committee shall make recommendations to the Legislature by January 1, 1997.".

2. Correct the operative date so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 1085:
AM4181

1. Insert the following new section:

"Sec. 9. (1) Each county board and the school board or board of education of each school district shall, by January 1, 1998, examine the question of whether property taxes might be reduced through consolidation of counties, offices, or services with another county or through the consolidation of school districts. The examination shall include a public hearing and a fiscal estimate of property tax savings, if any, anticipated by a consolidation.

(2)(a) If county consolidation is not feasible or is otherwise undesirable, the county board shall, after communication with each adjoining county, identify by resolution three proposals for the consolidation of one or more county or township offices or the joint performance of any common function or service which represent the most feasible opportunities for property tax reduction. The resolution shall include the financial figures showing what savings, if any, could be effectuated by each of the three proposals.

(b) If substantial savings are possible, the county board shall negotiate in good faith with the relevant adjoining county board for a consolidation agreement to effectuate the consolidation of the identified county or township office or the joint performance of the identified common function or service.

(c) Each county shall send to the Clerk of the

Legislature by July 1, 1998:

(i) The fiscal estimate required by subsection (1) of this section;

(ii) The resolution required by subdivision (2)(a) of this section;

(iii) A detailed description of any good faith negotiations attempted under subdivision (2)(b) of this section; and

(iv) Any consolidation agreement or other agreement entered into by the county and an adjoining county.

(3)(a) If school district consolidation is not feasible or is otherwise undesirable, the school board or board of education shall, after communication with each adjoining school district, identify by resolution three proposals for the joint performance of any common function or service which represent the most feasible opportunities for property tax reduction. The resolution shall include the financial figures showing what savings, if any, could be effectuated by each of the three proposals.

(b) If substantial savings are possible, the school board or board of education shall negotiate in good faith with the relevant adjoining school board or board of education for a consolidation agreement to effectuate the consolidation of the identified joint performance of the identified common function or service.

(c) Each school board or board of education shall send to the Clerk of the Legislature by July 1, 1998:

(i) The fiscal estimate required by subsection (1) of this section;

(ii) The resolution required by subdivision (3)(a) of this section;

(iii) A detailed description of any good faith negotiations attempted under subdivision (3)(b) of this section; and

(iv) Any consolidation agreement or other agreement entered into by the school board or board of education and an adjoining school board or board of education.".

2. In the E & R amendment, AM7255, strike amendment 3 and all amendments thereto and renumber the remaining amendments accordingly.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Withem and Bromm filed the following amendment to LB 1205:
AM4113

(Amendments to Final Reading copy)

1. On page 3, line 8, before the first "the" insert "the unique characteristics of the land being sold; (3)", strike "(3)" and insert "(4)", and strike "(4)" and insert "(5)"; in line 10

strike "(5)" and insert "(6)" and strike "(6)" and insert " (7)"; in line 12 strike "(7)" and insert "(8)"; and in lines 14 and 15 strike "unique characteristics of the".

Mrs. Hillman and Mr. Engel filed the following amendment to LR 292CA:
AM4142

(Amendments to Standing Committee amendments, AM3650)

1. On page 9, strike lines 16 through 21 and insert:
"IX-4 'The Legislature shall provide by law for the election of the governing body of the county, ~~such county and township officers as may be necessary~~ and for the election or appointment of county officers. The Legislature shall provide by law ~~and~~ for the consolidation of county offices for two or more counties, and such law shall provide ~~; PROVIDED,~~ that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties. The Legislature may provide by law for a form of county government in which the governing body of the county appoints the county administrator and the other county officers are elected or appointed. Such form of county government shall be optional with each county and shall occur in a county only upon adoption by a majority vote of the registered voters of the county voting on the question.'.".

2. On page 10, line 23, after the comma insert "to provide for the election of the governing body of the county, for the election or appointment of county officers, and for an optional form of county government in which the county administrator is appointed by the governing body of the county,".

Mr. Abboud filed the following amendment to LB 1343:
AM4184

1. On page 2, lines 9 through 11 and 26 through 28, strike the new matter and reinstate the stricken matter.

2. On page 3, lines 11 through 14, strike the new matter and reinstate the stricken matter; and in line 12 after "guilty" insert ", except in a felony case the prosecutor may require a plea of no contest as a prerequisite to participation in a diversion program if failure in the program would prejudice subsequent prosecution. In such a case, the court shall accept the plea of no contest, but defer sentencing. Upon successful completion of the diversion program, such defendant shall be allowed to withdraw the plea of no contest and the court shall dismiss the case".

Mr. Landis filed the following amendment to LB 1201:
AM4189

(Amendments to Standing Committee amendments, AM3284)

1. On page 4, strike beginning with "strike" in line 3 through "28" in line 5 and insert "line 28,".

BILL ON FIRST READING

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

LEGISLATIVE BILL 1322A. 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 1322, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1120, 1191, and 1265.

(Signed) David I. Maurstad, Chairperson

WITHDRAW - Amendment to LB 1044

Messrs. Wesely and Withem withdrew their amendment, AM3810, found in the Journal on page 1271, to LB 1044.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1044. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 2-3932, 12-102, 12-610, 12-611, 12-612, 12-1106, 13-1207, 28-326, 28-327, 28-327.01, 28-327.03, 28-343, 28-345, 28-356, 28-372, 28-380, 28-401, 28-411, 28-412, 28-710, 28-713, 28-728, 28-729, 28-730, 28-1432, 29-2290, 29-2923, 29-2925 to 29-2932, 29-2934 to 29-2936, 30-2487, 31-708, 37-215.01, 37-1254.05, 42-106, 42-121, 42-705, 42-723, 42-903, 43-104.07, 43-106.01, 43-106.02, 43-107, 43-117 to 43-118, 43-120, 43-122, 43-123.01, 43-149, 43-156, 43-161 to 43-164, 43-247, 43-250, 43-254, 43-284 to 43-284.02, 43-285, 43-287.03 to 43-287.06, 43-289, 43-290, 43-292 to 43-294, 43-296, 43-2,100, 43-2,101, 43-503, 43-504.01, 43-507, 43-508, 43-511, 43-512.02, 43-512.05, 43-512.11 to 43-512.15, 43-512.17, 43-515, 43-522 to 43-525, 43-529, 43-701, 43-702, 43-705 to 43-708, 43-901, 43-902 to 43-905, 43-907 to 43-910, 43-913, 43-1005, 43-1301, 43-1303, 43-1304, 43-1309, 43-1310, 43-1319, 43-1706, 43-1902, 43-1903, 43-2003, 43-2411, 43-2503, 43-2505, 43-2507, 43-2508 to 43-2511, 43-2512, 43-2515, 43-2625, 44-771, 44-772, 44-782, 44-2847, 44-2901, 44-2904, 44-32,119, 44-32,120,

44-32,127, 44-32,128, 44-32,134, 44-32,136, 44-32,152, 44-32,153, 44-32,156, 44-32,157, 44-32,163, 44-32,165, 44-32,176, 46-674.06, 46-674.20, 46-1011, 46-1018, 46-1207, 46-1217, 46-1225, 46-1235, 46-1235.01, 46-1237.01, 46-1237.02, 46-1240.05, 47-408, 54-747, 60-493, 60-6,104, 60-6,107, 60-6,201, 68-126, 68-128 to 68-130, 68-134, 68-214, 68-309, 68-312, 68-313, 68-621, 68-703.01, 68-716 to 68-718, 68-1001, 68-1001.01, 68-1002, 68-1005, 68-1007, 68-1008, 68-1014 to 68-1017, 68-1023, 68-1026, 68-1033 to 68-1035, 68-1036, 68-1043, 68-1101, 68-1103 to 68-1105, 68-1205, 68-1207, 68-1207.01, 68-1210, 68-1402, 68-1403, 68-1405, 68-1503, 68-1514, 70-1603, 70-1605, 71-140, 71-141 to 71-144, 71-153, 71-158, 71-161.19, 71-165, 71-169, 71-180, 71-181, 71-185.01, 71-186, 71-188, 71-193.01, 71-193.03, 71-193.13 to 71-193.15, 71-193.19, 71-193.20, 71-193.22, 71-1,105 to 71-1,107.02, 71-1,107.04 to 71-1,107.08, 71-1,107.10, 71-1,107.11, 71-1,107.14, 71-1,136.03, 71-1,137, 71-1,139 to 71-1,140, 71-1,141, 71-1,144.01, 71-1,145, 71-1,145.01, 71-1,147.01, 71-1,147.11, 71-1,147.19, 71-1,147.20, 71-1,147.22, 71-1,147.24 to 71-1,147.26, 71-1,147.28, 71-1,147.30, 71-1,147.31, 71-1,190.01, 71-1,191, 71-1,238, 71-217, 71-223.01, 71-354, 71-355, 71-501, 71-502 to 71-502.03, 71-503, 71-504, 71-505, 71-519 to 71-524, 71-605.01, 71-610, 71-615, 71-616, 71-617.07 to 71-617.10, 71-626, 71-626.01, 71-627.01, 71-629, 71-630, 71-645, 71-902 to 71-905, 71-1341, 71-1401, 71-1403, 71-1405, 71-1617, 71-1635, 71-1710, 71-1737, 71-1745, 71-1768, 71-1802 to 71-1805, 71-2002, 71-2003, 71-2018, 71-2021, 71-2021.02, 71-2022, 71-2026, 71-2027, 71-2051, 71-2202, 71-2203, 71-2206, 71-2207, 71-2208, 71-2226 to 71-2228, 71-2408, 71-2409, 71-2503, 71-2506, 71-2509, 71-2610, 71-2617, 71-2619 to 71-2621, 71-2809, 71-3102, 71-3104, 71-3305, 71-3306, 71-3504, 71-3601, 71-3603, 71-3608, 71-3610 to 71-3614, 71-4302 to 71-4306, 71-4401, 71-4635, 71-4701, 71-4813, 71-4816, 71-4901 to 71-4904, 71-5002, 71-5017, 71-5024, 71-5026, 71-5032, 71-5114, 71-5205, 71-5303, 71-5304.01, 71-5304.02, 71-5306, 71-5310 to 71-5311, 71-5402, 71-5404, 71-5517, 71-5707, 71-5710, 71-5711, 71-5713, 71-5808, 71-5825, 71-5902, 71-5904, 71-5905, 71-5907, 71-6010, 71-6011, 71-6040, 71-6043, 71-6045, 71-6208, 71-6221, 71-6702, 71-6717, 71-6808, 71-6809, 71-6831, 72-249, 72-1302 to 72-1304, 76-1304, 76-14,102, 77-27,162, 77-27,164, 77-27,165, 77-27,173, 79-444.01 to 79-444.03, 79-445, 79-4,133, 79-4,134, 79-4,207, 79-1254.09, 79-1457, 79-3326, 79-3330, 79-3341, 79-3342, 79-3348, 79-3503, 79-3903 to 79-3905, 79-3910, 80-304, 80-306, 80-307, 80-606, 81-101, 81-102, 81-502.01, 81-505.01, 81-601 to 81-602, 81-604.01 to 81-604.03, 81-637, 81-638, 81-651, 81-652, 81-654, 81-661, 81-663, 81-664, 81-676 to 81-680, 81-829.73, 81-829.74, 81-1021, 81-1108.27, 81-1108.28, 81-1139.01, 81-1281, 81-1316, 81-15,170, 81-2205 to 81-2207, 81-2213, 81-2226, 81-2229 to 81-2235, 81-2239, 81-2241, 81-2250, 81-2255, 81-2260, 81-2265, 81-2267, 81-2268, 81-2270, 81-2271, 83-101.08, 83-107.01, 83-108, 83-108.04, 83-109, 83-111 to 83-116, 83-120, 83-130, 83-133, 83-135, 83-139, 83-140, 83-144, 83-153 to 83-156, 83-176, 83-180, 83-1,147 to 83-1,149, 83-210.02 to 83-210.07, 83-211, 83-212, 83-218, 83-223,

83-227.02, 83-305.03, 83-306, 83-307, 83-313, 83-348, 83-351, 83-355, 83-363, 83-365, 83-376, 83-380 to 83-383, 83-391, 83-472, 83-802, 83-901, 83-922, 83-925.02, 83-925.03, 83-1018, 83-1020, 83-1021, 83-1028, 83-1039, 83-1040, 83-1065, 83-1070, 83-1204, 83-1206, 83-1214 to 83-1216, 83-1227, 84-205, and 84-1409, Reissue Revised Statutes of Nebraska, sections 2-1504.02, 2-15,100, 2-2626, 2-3254, 2-3925, 2-3928, 2-4901, 9-810, 11-201, 12-607, 12-609, 14-402, 15-902, 19-902, 23-114, 23-3595, 31-740, 32-310, 42-347, 42-358, 42-358.08, 43-286 to 43-287.01, 43-2,106.01, 43-2,109, 43-512.06, 43-1320, 43-1408.01, 43-1704, 43-1718.02, 43-1720, 43-2622, 43-3001, 44-3,144, 44-526, 44-2835, 46-1204.01, 48-1902, 60-4,118.02, 68-156, 68-1006.01, 68-1019 to 68-1019.06, 68-1019.08, 68-1021, 68-1030, 68-1031, 68-1035.01, 68-1036.02, 68-1036.03, 68-1038, 68-1050, 68-1053, 68-1204, 68-1722, 68-1725, 68-1729, 68-1732, 69-2426, 70-101, 71-104, 71-105, 71-139, 71-145, 71-150, 71-155, 71-156, 71-157, 71-161.02, 71-161.03, 71-161.06, 71-161.07, 71-161.12 to 71-161.17, 71-161.20, 71-170, 71-172.01, 71-172.02, 71-183.01, 71-1,103, 71-1,104, 71-1,107.13, 71-1,107.16, 71-1,135.02, 71-1,136, 71-1,142, 71-1,147.02, 71-1,147.08, 71-1,147.10, 71-1,147.38, 71-1,147.44, 71-1,147.48, 71-1,147.53, 71-1,147.59, 71-1,154, 71-1,206.05, 71-1,206.25, 71-1,232, 71-201, 71-501.02, 71-502.04, 71-503.01, 71-507, 71-514.02, 71-516.02 to 71-516.04, 71-529, 71-530, 71-532, 71-601 to 71-602.01, 71-604.01, 71-604.05, 71-605, 71-605.02, 71-606, 71-609, 71-611, 71-614, 71-616.03, 71-616.04, 71-627.02, 71-640.03, 71-644, 71-646 to 71-649, 71-1001, 71-1301, 71-1333.01, 71-1340, 71-1557, 71-1559, 71-1565, 71-1626, 71-1628, 71-1630, 71-1631, 71-1637, 71-1774, 71-2017, 71-2017.01, 71-2017.06, 71-2017.07, 71-2020, 71-2023, 71-2029, 71-2049, 71-2081, 71-2082, 71-2407, 71-2411, 71-2511, 71-2516, 71-2517, 71-2610.01, 71-2622, 71-3101, 71-3401, 71-3402, 71-3406, 71-3409, 71-3410, 71-3508.03, 71-3508.04, 71-3602, 71-3702, 71-3706, 71-3708, 71-4603 to 71-4604.01, 71-4621, 71-4624, 71-4819, 71-5001, 71-5008, 71-5014, 71-5034, 71-5165, 71-5167, 71-5168, 71-5301, 71-5502, 71-5504, 71-5647, 71-5649, 71-5653 to 71-5656, 71-5678, 71-5903, 71-5906, 71-5909, 71-6019, 71-6021, 71-6038, 71-6041, 71-6053, 71-6065, 71-6068, 71-6103, 71-6319, 71-6321, 71-6602, 71-7105, 71-7107, 71-7108, 71-7110, 71-7407, 71-7423, 71-7502, 71-7506, 71-7507, 71-7518.03, 71-7522, 71-7603, 71-7702, 77-2602, 77-2704.21, 77-27,160, 77-27,161, 77-27,163.01, 77-27,166, 77-27,167 to 77-27,169, 77-27,171, 77-27,172, and 77-27,208, Revised Statutes Supplement, 1994, sections 42-917, 43-104.01 to 43-104.04, 43-105, 43-512, 43-512.03, 43-512.07, 43-536, 43-906, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2624, 44-773, 44-774, 44-4109.01, 44-6701, 48-602, 48-647, 49-506, 49-617, 68-104, 68-157, 68-704, 68-1020, 68-1047, 68-1206, 68-1711, 68-1713, 68-1715 to 68-1717, 68-1730, 68-1736, 71-101, 71-102, 71-193.18, 71-1,132.05, 71-1,132.53, 71-1,206.18, 71-1,290, 71-1,312, 71-1,339, 71-612, 71-616.05, 71-617.15, 71-627, 71-634, 71-901, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913 to 71-1913.03,

71-2084, 71-2201, 71-3503, 71-3505, 71-3515.02, 71-4728.03, 71-5018, 71-5019, 71-5043, 71-5044, 71-5048, 71-5049, 71-5051, 71-5102, 71-6228, 71-6301, 71-6303, 71-7001, 71-7012, 71-7303, 75-303.01, 75-303.02, 81-502, 81-642, 81-15,103, 81-2266, 81-2269, 83-101.14, 83-121, 83-134, 83-159, 83-160, 83-163, 83-211.02, and 84-1511, Revised Statutes Supplement, 1995, and section 79-1254.02, Reissue Revised Statutes of Nebraska, as amended by section 473, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to adopt the Nebraska Partnership for Health and Human Services Act; to provide powers and duties for the Department of Health and Human Services, the Department of Health and Human Services Regulation and Licensure, and the Department of Health and Human Services Finance and Support; to create funds; to provide for the transfer of powers and duties; to change and eliminate provisions relating to the Department on Aging, the Department of Health, the Department of Public Institutions, the Department of Social Services, and the Office of Juvenile Services of the Department of Correctional Services; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 68-701, 68-701.01, 68-701.02, 68-703, 71-2609, 79-3907, 81-603, 81-604, 81-2214, 81-2240, 83-101.01 to 83-101.05, 83-1202.02, 90-221, 90-222, 90-229 to 90-237, 90-249, 90-250, and 90-256 to 90-259, Reissue Revised Statutes of Nebraska, sections 68-1019.07, 71-2618, and 71-4821, Revised Statutes Supplement, 1994, sections 44-6703, 44-6704, 68-723, 81-2236, 81-2272, and 83-129, Revised Statutes Supplement, 1995, and section 79-3909, Reissue Revised Statutes of Nebraska, as amended by section 878, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

VISITORS

Visitors to the Chamber were 32 fourth grade students, teachers, and sponsors from Louisville Elementary; Senator Hilgert's wife, Cara, and mother, Mary, from Omaha; and Orville and Karen Johnson from Wahoo and Julio, Julia, and Barbara Salafranca from Madrid, Spain.

The Doctor of the Day was William Doering from Franklin.

ADJOURNMENT

At 8:38 p.m., on a motion by Mrs. Robak, the Legislature adjourned until 8:30 a.m., Thursday, March 28, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SECOND DAY - MARCH 28, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Fred Gersch, St. John's Lutheran Church, Seward, Nebraska and Pastor Robert Varner, First Baptist Church, Falls City, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Abboud, Bromm, Chambers, Coordsen, Engel, Hilgert, Landis, Lindsay, Lynch, Pedersen, Schrock, Warner, Will, Mmes. Bohlke, Brown, McKenzie, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 681. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LR 449. No objections. So ordered.

Mr. Klein asked unanimous consent to have his name added as cointroducer to LB 1322. No objections. So ordered.

REPORT

The following report was received by the Legislature:

Education, Department of
Nebraska School Finance Review Committee Annual Report (State Statute 79-3823)

GENERAL FILE

LEGISLATIVE BILL 463. 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.

LEGISLATIVE BILL 649. Title read. Considered.

Mr. Cudaback asked unanimous consent to pass over LB 649. No objections. So ordered.

LEGISLATIVE BILL 931. 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 1274 Title read. Considered.

Mr. Landis renewed his pending amendment, AM3235, printed separately and referred to on page 1561.

The Landis amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 313, 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 351, 352, 354, 364, and 390.

GENERAL FILE

LEGISLATIVE BILL 1212. 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 1249. Title read. Considered.

Standing Committee amendment, AM3037, found in the Journal on page 721, was considered.

Mr. Janssen renewed the Lindsay-Janssen amendment, AM3941, found in the Journal on page 1399, to the Standing Committee amendment.

The Lindsay-Janssen amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 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, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1090. 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 1268. Title read. Considered.

Mr. Lindsay renewed his pending amendment, AM3256, found in the Journal on page 1040.

The Lindsay amendment 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.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 27, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

Cavanaugh, James P. - Lincoln	Explore Information Services Saint Joseph Hospital

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

ANNOUNCEMENT

The Chair announced Saturday is Senator Wesely's birthday.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 1044. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Beutler	Dierks	Jensen	Pedersen	Schmitt
Bohlke	Elmer	Jones	Preister	Warner
Brashear	Hartnett	Klein	Robak	Wehrbein
Bromm	Hilgert	Lindsay	Robinson	Wesely
Brown	Hillman	Lynch	Schellpeper	Wickersham
Crosby	Hudkins	Matzke	Schimek	Withem
Cudaback	Janssen	McKenzie		

Voting in the negative, 13:

Abboud	Bernard-Stevens	Coordsen	Landis	Schrock
Avery	Chambers	Fisher	Maurstad	Stuhr
		Kristensen	Pirsch	Witek

Present and not voting, 1:

Engel

Excused and not voting, 2:

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.

WITHDRAW - Amendment to LB 1044A

Mr. Will withdrew his amendment, FA572, found in the Journal on page 1460, to LB 1044A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1044A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 90-512, Revised Statutes Supplement, 1995; Laws 1995, LB 68A, section 1; Laws 1995, LB 83A, section 1; Laws 1995, LB 325A, sections 48, 49, 50, 63, 64, 65, 66, 67, 68, 101, and 142; Laws 1995, LB 389, sections 55, 56, 57, 69, 70, 71, 72, 73, 74, 75, 106, and 144; Laws 1995, LB 392, sections 77, 78, 79, 80, 81, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 146, 211, 212, 249, 251, 252, 253, and 254; Laws 1995, LB 406A, sections 1, 2, and 3; Laws 1995, LB 455A,. sections 2, 4, and 5; Laws 1995, LB 524A, section 1; Laws 1995, LB 563A, section 1; and Laws 1995, LB 712A, section 1; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; 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:

Avery	Crosby	Hudkins	Lynch	Schmitt
Bernard-Stevens	Cudaback	Janssen	Matzke	Schrock
Beutler	Dierks	Jensen	McKenzie	Stuhr
Bohlke	Elmer	Jones	Pedersen	Warner
Brashear	Engel	Klein	Preister	Wehrbein
Bromm	Fisher	Kristensen	Robak	Wesely
Brown	Hartnett	Landis	Robinson	Wickersham
Coordsen	Hilgert	Lindsay	Schimek	Withem
	Hillman			

Voting in the negative, 4:

Abboud	Chambers	Pirsch	Witek

Present and not voting, 2:

Maurstad	Schellpeper

Excused and not voting, 2:

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.

LEGISLATIVE BILL 253.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-105, Reissue Revised Statutes of Nebraska, and section 60-106, Revised Statutes Supplement, 1994; to provide requirements for vehicles without a vehicle identification number; to provide for a bonded certificate of title; to provide fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Maurstad	Schmitt
Avery	Crosby	Hudkins	McKenzie	Schrock
Bernard-Stevens	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Bromm	Engel	Klein	Robak	Wesely
Brown	Fisher	Kristensen	Robinson	Wickersham
Chambers	Hartnett	Landis	Schellpeper	Witek
	Hilgert	Lynch	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 3:

Brashear Lindsay Matzke

Excused and not voting, 2:

Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 253A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 253, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Maurstad	Schmitt
Avery	Crosby	Janssen	McKenzie	Schrock
Bernard-Stevens	Cudaback	Jensen	Pedersen	Stuhr
Beutler	Dierks	Jones	Pirsch	Warner
Bohlke	Elmer	Klein	Preister	Wehrbein
Brashear	Engel	Kristensen	Robak	Wesely
Bromm	Fisher	Landis	Robinson	Wickersham
Brown	Hartnett	Lindsay	Schellpeper	Witek
Chambers	Hilgert	Lynch	Schimek	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 2:

Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Lindsay, Matzke, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 414. With Emergency.

A BILL FOR AN ACT relating to nurse practitioners; to amend sections 71-1,147.01, 71-1704, 71-1707, 71-1708, 71-1709.01, 71-1714, 71-1716 to 71-1716.03, 71-1721, 71-1721.07, 71-1723, 71-1723.01, 71-1725 to 71-1726.02, 71-1736, and 71-1737, Reissue Revised Statutes of Nebraska, sections 71-1,103, 71-1,143, 71-1706, 71-1717, 71-1722, 71-1724, 71-1724.01, 71-1730, and 71-1731, Revised Statutes Supplement, 1994, and sections 71-168, 71-168.02, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,198, 71-1,339, 71-1705, 71-1727, 71-1735, and 71-1913.01, Revised Statutes Supplement, 1995; to rename the Nurse Practitioner Act; to provide for licensing of advanced registered nurse practitioners; to change and eliminate provisions relating to certification of nurse practitioners and certified registered nurse anesthetists; to change drug dispensing provisions; to provide and change fees; to eliminate an advisory council; to create a board; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1709, 71-1711, 71-1715, 71-1721.01 to 71-1721.03, and 71-1721.05, Reissue Revised Statutes of Nebraska, and sections 71-1716.04, 71-1721.04, 71-1721.06, and

71-1728, Revised Statutes Supplement, 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	Coordsen	Hillman	McKenzie	Schrock
Avery	Crosby	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Dierks	Jensen	Preister	Wehrbein
Bohlke	Elmer	Jones	Robak	Wesely
Bromm	Engel	Kristensen	Robinson	Wickersham
Brown	Fisher	Landis	Schellpeper	Witek
Chambers	Hartnett	Lynch	Schimek	Withem
	Hilgert	Maurstad	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Klein

Excused and not voting, 5:

Brashear	Lindsay	Matzke	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.

LEGISLATIVE BILL 414A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 414, Ninety-fourth Legislature, Second Session, 1996; and to provide for transfers 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, 43:

Abboud	Beutler	Chambers	Dierks	Hartnett
Avery	Bohlke	Coordsen	Elmer	Hilgert
Bernard-Stevens	Bromm	Crosby	Engel	Hillman
	Brown	Cudaback	Fisher	Hudkins

Janssen	Lynch	Preister	Schmitt	Wesely
Jensen	Maurstad	Robak	Schrock	Wickersham
Jones	McKenzie	Robinson	Stuhr	Witek
Kristensen	Pedersen	Schellpeper	Warner	Withem
Landis	Pirsch	Schimek	Wehrbein	

Voting in the negative, 0.

Present and not voting, 1:

Klein

Excused and not voting, 5:

Brashear	Lindsay	Matzke	Vrtiska	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 842.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

Whereupon the 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	Janssen	Pedersen	Schrock
Avery	Cudaback	Jensen	Pirsch	Stuhr
Bernard-Stevens	Dierks	Jones	Preister	Warner
	Elmer	Kristensen	Robak	Wehrbein
Bohlke	Engel	Landis	Robinson	Wesely
Bromm	Fisher	Lynch	Schellpeper	Wickersham
Brown	Hartnett	Maurstad	Schimek	Witek
Chambers	Hillman	McKenzie	Schmitt	Withem
Coordsen	Hudkins			

Voting in the negative, 0.

Present and not voting, 3:

Beutler	Hilgert	Klein

Excused and not voting, 5:

Brashear Lindsay Matzke Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 922.

A BILL FOR AN ACT relating to the Dispute Resolution Act; to amend section 25-2901, Reissue Revised Statutes of Nebraska; to create a cash fund; 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	Crosby	Hudkins	Pedersen	Schrock
Avery	Cudaback	Janssen	Pirsch	Stuhr
Bernard-Stevens	Dierks	Jensen	Preister	Warner
Beutler	Engel	Jones	Robak	Wehrbein
Bohlke	Fisher	Kristensen	Robinson	Wesely
Bromm	Hartnett	Landis	Schellpeper	Wickersham
Brown	Hilgert	Lynch	Schimek	Witek
Coordsen	Hillman	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers Elmer Klein McKenzie

Excused and not voting, 5:

Brashear Lindsay Matzke Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 922A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 922 Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Pedersen	Schrock
Avery	Dierks	Janssen	Pirsch	Stuhr
Bernard-Stevens	Elmer	Jensen	Preister	Warner
Beutler	Engel	Jones	Robak	Wehrbein
Bohlke	Fisher	Kristensen	Robinson	Wesely
Brown	Hartnett	Landis	Schellpeper	Wickersham
Coordsen	Hilgert	Lynch	Schimek	Witek
Crosby	Hillman	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 4:

Bromm	Chambers	Klein	McKenzie

Excused and not voting, 5:

Brashear	Lindsay	Matzke	Vrtiska	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 923. With Emergency.

A BILL FOR AN ACT relating to fishing; to amend section 37-102, Revised Statutes Supplement, 1995; to establish free fishing day; to give the Game and Parks Commission duties; 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:

Abboud	Brown	Fisher	Jones	Robak
Avery	Coordsen	Hartnett	Kristensen	Robinson
Bernard-Stevens	Crosby	Hilgert	Landis	Schellpeper
Beutler	Cudaback	Hillman	Lynch	Schimek
Bohlke	Dierks	Hudkins	Pedersen	Schmitt
Bromm	Elmer	Janssen	Pirsch	Schrock
	Engel	Jensen	Preister	Stuhr

Warner	Wesely	Wickersham	Witek	Withem
Wehrbein				

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Klein	Maurstad	McKenzie

Excused and not voting, 5:

Brashear	Lindsay	Matzke	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.

LEGISLATIVE BILL 962. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend sections 17-514, 17-973, and 19-4501, Reissue Revised Statutes of Nebraska; to authorize cities of the second class and villages to collect special assessments; to provide duties; to require notice; to transfer provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Hillman	Pedersen	Schrock
Avery	Crosby	Hudkins	Pirsch	Stuhr
Bernard-Stevens	Cudaback	Janssen	Preister	Warner
	Dierks	Jensen	Robak	Wehrbein
Beutler	Elmer	Jones	Robinson	Wesely
Bohlke	Engel	Kristensen	Schellpeper	Wickersham
Bromm	Fisher	Lynch	Schimek	Witek
Brown	Hartnett	Maurstad	Schmitt	Withem
Chambers	Hilgert	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Klein	Landis

Excused and not voting, 5:

Brashear	Lindsay	Matzke	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.

LEGISLATIVE BILL 1138. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 79-2105, Reissue Revised Statutes of Nebraska; to provide for leasing of telecommunications facilities 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, 38:

Abboud	Cudaback	Hudkins	Pedersen	Schrock
Avery	Dierks	Janssen	Pirsch	Stuhr
Bernard-Stevens	Elmer	Jensen	Preister	Wehrbein
	Engel	Jones	Robak	Wesely
Beutler	Fisher	Kristensen	Robinson	Wickersham
Bohlke	Hartnett	Matzke	Schellpeper	Witek
Coordsen	Hilgert	Maurstad	Schimek	Withem
Crosby	Hillman	McKenzie	Schmitt	

Voting in the negative, 0.

Present and not voting, 7:

Bromm	Chambers	Landis	Lynch	Warner
Brown	Klein			

Excused and not voting, 4:

Brashear	Lindsay	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.

LEGISLATIVE BILL 1138A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1138, Ninety-fourth Legislature, Second Session, 1996; to provide powers and

duties for the Nebraska Educational Telecommunications Commission; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hillman	McKenzie	Schrock
Avery	Crosby	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Dierks	Jensen	Preister	Wehrbein
Bohlke	Elmer	Jones	Robak	Wesely
Brashear	Engel	Klein	Robinson	Wickersham
Bromm	Fisher	Kristensen	Schellpeper	Witek
Brown	Hartnett	Matzke	Schimek	Withem
	Hilgert	Maurstad	Schmitt	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Landis	Lynch

Excused and not voting, 3:

Lindsay	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.

LEGISLATIVE BILL 1141.

A BILL FOR AN ACT relating to juveniles; to amend section 83-925.07, Revised Statutes Supplement, 1995; to change provisions relating to the Youth Diagnostic and Rehabilitation Center; to eliminate a termination date; to repeal the original section; and to outright repeal section 83-4,104.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Bernard-Stevens	Beutler	Brashear	Brown
Avery		Bohlke	Bromm	Chambers

Coordsen	Hilgert	Kristensen	Preister	Stuhr
Crosby	Hillman	Landis	Robak	Warner
Cudaback	Hudkins	Matzke	Robinson	Wehrbein
Dierks	Janssen	Maurstad	Schellpeper	Wesely
Elmer	Jensen	McKenzie	Schimek	Wickersham
Engel	Jones	Pedersen	Schmitt	Witek
Fisher	Klein	Pirsch	Schrock	Withem
Hartnett				

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Lindsay Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1162.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-121, Revised Statutes Supplement, 1994, and section 17-208, Revised Statutes Supplement, 1995; to change membership on the board of health in cities of the second class and villages; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Coordsen	Hillman	Maurstad	Schmitt
Avery	Crosby	Hudkins	McKenzie	Schrock
Bernard-Stevens	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Brashear	Engel	Klein	Robak	Wesely
Bromm	Fisher	Kristensen	Robinson	Wickersham
Brown	Hartnett	Landis	Schellpeper	Witek
Chambers	Hilgert	Matzke	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 3:

Lindsay Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1184.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-148.04, Revised Statutes Supplement, 1994; to define a term; to change provisions relating to a bank's investment of funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hilgert	Maurstad	Schmitt
Avery	Coordsen	Hillman	McKenzie	Schrock
Bernard-Stevens	Crosby	Hudkins	Pedersen	Stuhr
	Cudaback	Janssen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Klein	Robak	Wesely
Brashear	Engel	Kristensen	Robinson	Wickersham
Bromm	Fisher	Landis	Schellpeper	Witek
Brown	Hartnett	Matzke	Schimek	Withem

Voting in the negative, 0.

Present and not voting, 2:

Jensen Lynch

Excused and not voting, 3:

Lindsay Vrtiska Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1205 to Select File

Messrs. Withem and Bromm moved to return LB 1205 to Select File for their specific amendment, AM4113, found in the Journal on page 1615.

Mr. Bernard-Stevens and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

The Withem-Bromm motion to return prevailed with 34 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1205. The Withem-Bromm specific amendment, AM4113, found in the Journal on page 1615, was considered.

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.

The Withem-Bromm specific amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Dierks requested a machine vote on the advancement of the bill.

Advanced to E & R for reengrossment with 30 ayes, 5 nays, 10 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 700 and 700A.

Correctly Engrossed

The following bills were correctly engrossed: 964, 1050, and 1050A.

Enrollment and Review Change to LB 700
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9149

1. On page 1, line 14; and page 27, line 4, "as amended by sections 505 to 514, 516, and 517, respectively, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," has been inserted before "and".

2. On page 1, line 15; and page 27, line 5, ", as amended by section 515, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995".

Enrollment and Review Change to LB 700A
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9157

1. In the Wickersham amendment, AM3934, on page 3, line 21, "26" has been struck and "25" inserted.

Enrollment and Review Change to LB 964

The following changes, required to be reported for publication in the Journal, have been made:
ER9145

1. In the Witek amendment, AM4032, on page 1, line 6, the comma has been struck.

2. In the Beutler amendment, AM3448, on page 1, line 7, "identification" has been inserted after "return".

3. In the Witek amendment, AM3605:

a. Section 12 has been renumbered as section 13; and

b. On page 1, line 4, "4 to 11" has been struck and "5 to 12" inserted; and in line 15 "12" has been struck and "13" inserted.

4. On page 1, line 1, "section 32-559" has been struck and "sections 32-559 and 32-808" inserted; and in line 5 "election commissioners, county clerks, and" has been inserted after "for".

5. On page 2, line 3, "4" has been struck and "5" inserted; and in line 21 "7 and 8" has been struck and "8, 9, and 11" inserted.

6. On page 3, lines 8 and 16, "4 to 11" has been struck and "5 to 12" inserted.

7. On page 4, line 24; and page 8, line 3, "5" has been struck and "6" inserted.

8. On page 5, line 27, "with the official ballot" has been struck.

Enrollment and Review Change to LB 1050

The following changes, required to be reported for publication in the Journal, have been made:
ER9146

1. Sections have been renumbered to incorporate all amendments and internal references have been corrected accordingly.

2. In the Bohlke amendment, AM3632, on page 6, line 16, "79-490" has been struck and "372, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

3. In lieu of the Witek amendment, FA495, in the E & R amendments, AM7210, on page 7, the matter beginning with "for" in line 8 through "student" in line 9 has been struck.

4. In the Bernard-Stevens amendment, AM3530, on page 2, line 2, "79-3403" has been struck and "38, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

5. In the E & R amendments, AM7210:

a. On page 2, line 16, "79-3813" has been struck and "668, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted;

b. On page 7, line 4, "79-4,196" has been struck and "87, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted; and in line 21 "(1)" has been inserted before "In";

c. On page 8, line 1, "(2)" has been inserted before "Subject";

d. On page 9, line 14, "(3)" has been inserted before "The"; and in line 23 "(4)" has been inserted before "Final";

e. On page 10, paragraphing has been inserted before "Payments" in line 9; in line 14 "(5)" has been inserted before "All"; and in line 27 "(6)" has been inserted before "A";

f. On page 13, line 20, "(22)" has been struck and "(21)" inserted;

g. On page 15, line 9, "shall" has been struck and "does" inserted; and in line 10 "79-420" has been struck and "247, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted;

h. On page 18, line 6, "79-3314" has been struck and "807, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

i. On page 18, line 17; and page 19, line 1, "79-490" has been struck and "372, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

j. On page 22, line 10, "79-3806 to 79-3813" has been struck and "657 to 668, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

k. On page 35, line 1, "79-1109" has been struck and "160, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted;

l. On page 37, line 4, "79-3817" has been struck and "672, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

m. On page 37, line 19; and page 38, line 16, "79-101.01" has been struck, shown as stricken, and "249, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

n. On page 40, line 8, "79-3806" has been struck and "657, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted; in lines 9 and 16 "79-3402" has been struck and "37, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996,"

inserted; and in line 25 "79-3402" has been struck and "37, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted;

o. On page 41, line 5, "79-451" has been struck and "281, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

p. On page 41, line 17, "(2) of section 79-101.01" has been struck and "(1) of section 228, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

q. On page 42, line 1, "(2) of section 79-101.01" has been struck and "(1) of section 228, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted;

r. On page 64, the matter beginning with "final" in line 25 through "79-1522.01" in line 26 has been struck and "determination of final average compensation pursuant to the School Employees Retirement Act" inserted;

s. On page 65, line 11, "79-3803" has been struck and "654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

t. On page 66, lines 2 and 3, "79-1254.05 to 79-1254.08" has been struck and "476 to 479, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted; and in lines 8 and 9 "section 79-1522.01" has been struck and "the School Employees Retirement Act" inserted;

u. On page 67, line 1, "79-1254.05 to 79-1254.08" has been struck and "476 to 479, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted; and in line 6 "79-3803" has been struck and "654, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996," inserted;

v. On page 71, lines 7 and 18, "79-1522.01," has been struck and "79-516.08, 79-1522.01, 79-3404, 79-3409," inserted; in lines 8 and 19 "79-3808," has been inserted before "79-3810"; in line 8 "79-3819," has been struck; in lines 10 and 20 "79-4,179.01," has been struck and "79-4,176.01, 79-4,179.01, 79-4,180," inserted; in lines 10 and 21 "79-3806.01," has been inserted before "79-3809"; in line 11 "and 79-3813" has been struck and "79-3813, and 79-3819" inserted; in line 23 "to change provisions relating to the Student Discipline Act and depopulated districts;" has been inserted after the semicolon; and in line 26 "the enrollment option program and" has been inserted before "payments"; and

w. On page 72, the matter beginning with "to" in line 3 through the semicolon in line 4 has been struck and "to provide for a study;" inserted.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 436. Placed on General File as amended.

Standing Committee amendment to LB 436:
AM3392

1. Strike the original sections and insert the following new sections:

"Section 1. Section 18-2705, Revised Statutes Supplement, 1995, is amended to read:

18-2705. Economic development program shall mean any project or program utilizing funds derived from local sources of revenue for the purpose of providing direct or indirect financial assistance to a qualifying business or the payment of related costs and expenses or both, without regard to whether that business is identified at the time the project or program is initiated or is to be determined by specified means at some time in the future. An economic development program may include, but shall not be limited to, the following activities: Direct loans or grants to qualifying businesses for fixed assets or working capital or both; loan guarantees for qualifying business; grants for public works improvements which are essential to the location or expansion of a qualifying business; grants or loans for job training; the purchase of real estate, options for such purchases, and the renewal or extension of such options; the issuance of bonds as provided for in the Local Option Municipal Economic Development Act; and payments for salaries and support of city staff to implement the economic development program or the contracting of such to an outside entity. For cities of the first and second class and villages, an economic development program may also include grants or loans for the construction or rehabilitation for sale or lease of housing for persons of low or moderate income. An economic development program may be conducted jointly by two or more cities after the approval of the program by the voters of each participating city. An economic development program shall include provisions to insure that financial assistance shall not be provided to a qualifying business until a public hearing is held with suitable notice given to the neighboring property owners of such business and to the public regarding the proposed siting of any new facility or regarding the nature of any proposed improvements at an existing facility as a result of the program. Following such public hearing and final approval of a proposed expenditure under an economic development program, the location of facility sites or the nature of improvements shall not be changed without an additional public hearing.

Sec. 2. Section 18-2708, Reissue Revised Statutes of Nebraska, is amended to read:

18-2708. Local sources of revenue shall mean the city's property tax or the city's local option sales tax or any other tax of general application levied by the city or village.

Sec. 3. Section 18-2709, Revised Statutes Supplement, 1994, is amended to read:

18-2709. Qualifying business shall mean any corporation,

partnership, limited liability company, or sole proprietorship which derives its 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 more than two thousand five hundred inhabitants and less than ten thousand inhabitants or whenever a business may be located within the boundaries of an enterprise zone created pursuant to the Enterprise Zone Act, 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. 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.

If a business which would otherwise be a qualifying business employs people and carries on activities in more than one city in Nebraska or will do so at any time during the first year following its application for participation in an economic development program, it shall be a qualifying business only if, in each such city, it maintains employment for the first two years following the date on which such business begins operations in the city as a participant in its economic development program at a level not less than its average employment in such city over the twelve-month period preceding participation.

A qualifying business need not be located within the territorial boundaries of the city from which it is or will be receiving financial assistance.

Sec. 4. Section 18-2710, Revised Statutes Supplement, 1994, is amended to read:

18-2710. The governing body of any city proposing to adopt an economic development program shall prepare a proposed plan for such economic development program. The proposed plan shall include:

(1) A description of the city's general community and

economic development strategy;

(2) A statement of purpose describing the city's general intent and proposed goals for the establishment of the economic development program;

(3) A description of the types of businesses and economic activities that will be eligible under the program for the city's assistance;

(4) A statement specifying the total amount of money that is proposed to be directly collected from local sources of revenue by the city to finance the program, whether the city desires the authority to issue bonds pursuant to the Local Option Municipal Economic Development Act to provide funds to carry out the economic development program, the time period within which the funds from local sources of revenue are to be collected, the time period during which the program will be in existence, and a basic preliminary proposed budget for the program;

(5) A description of the manner in which a qualifying business will be required to submit an application for financial assistance, including the type of information that will be required from the business, the process that will be used to verify the information, and the steps that will be taken to insure the privacy and confidentiality of business information provided to the city;

(6) A description of plans to insure notification to the public and to neighboring property owners of the sites for any new facilities resulting from local funds distributed under a program;

(7) A description of the administrative system that will be established to administer the economic development program, including a description of the personnel structure that will be involved and the duties and responsibilities of those persons involved; and

~~(7)~~ (8) A description of how the city will assure that all applicable laws, regulations, and requirements are met by the city and the qualifying businesses which receive assistance.

Sec. 5. Section 18-2717, Revised Statutes Supplement, 1994, is amended to read:

18-2717. (1) No city shall appropriate from funds derived directly from local sources of revenue for all approved economic development programs, in each year during which such programs are in existence, an amount in excess of four-tenths of one percent of the taxable valuation of the city in the year in which the funds are collected.

(2) ~~Notwithstanding the provisions of subsections (1) and (3) of this section, no city of the metropolitan or primary class shall appropriate from funds derived directly from local sources of revenue more than three million dollars for all approved economic development programs in any one year and no city of the first or second class or village shall appropriate from funds derived directly from local sources of revenue more than one million dollars for all approved economic development programs in any one~~

~~year.~~

~~(3)~~ Notwithstanding the provisions of ~~subsections~~ subsection (1) ~~and (2)~~ of this section, no city shall appropriate from funds derived directly from local sources of revenue an amount for an economic development program in excess of the total amount approved by the voters at the election or elections in which the economic development program was submitted or amended.

~~(4)~~ (3) The restrictions on the appropriation of funds from local sources of revenue as set out in subsections (1) and (2) ~~through (3)~~ of this section shall apply only to the appropriation of funds derived directly from local sources of revenue. Sales tax collections in excess of the amount which may be appropriated as a result of the restrictions set out in such subsections shall be deposited in the city's economic development fund and invested as provided for in section 18-2718. Any funds in the city's economic development fund not otherwise restricted from appropriation by reason of the city's ordinance governing the economic development program or this section may be appropriated and spent for the purposes of the economic development program in any amount and at any time at the discretion of the governing body of the city subject only to section 18-2716.

~~(5)~~ (4) The restrictions on the appropriation of funds from local sources of revenue shall not apply to the reappropriation of funds which were appropriated but not expended during previous fiscal years.

Sec. 6. Original section 18-2708, Reissue Revised Statutes of Nebraska, sections 18-2709, 18-2710, and 18-2717, Revised Statutes Supplement, 1994, and section 18-2705, Revised Statutes Supplement, 1995, are repealed.".

LEGISLATIVE BILL 608. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1076A. 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 1076, Ninety-fourth Legislature, Second Session, 1996.

LEGISLATIVE BILL 1055A. Introduced by Wesely, 26; Schmitt, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1055, Ninety-fourth Legislature, Second Session, 1996.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 1053:
AM4196

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 3. Section 8-133, Revised Statutes Supplement, 1994, is amended to read:

8-133. (1) Except as provided in subsection (2) of this section, no bank shall, directly or indirectly, pay any interest on deposits at a greater rate than the director by regulation provides, except that when authorized by the United States Government and approved by the director, no bank shall be prohibited from paying interest on any type of United States treasury tax and loan deposits or similar type of United States accounts. Any officer, director, stockholder, or employee of a bank or any other person who directly or indirectly, either personally or for the bank, pays any money, gives any consideration of value, or pledges any assets, except as provided by law, as an inducement, in addition to the legal interest, for making or retaining a deposit in the bank shall be guilty of a Class IV felony. Any depositor who accepts any such inducement shall be guilty of a Class IV felony. Deposits made in violation of this section shall not be entitled to priority of payment from the assets of the bank. In determining the maximum interest that may be paid on deposits, the director shall consider generally recognized sound banking principles, the financial soundness of banks, competitive conditions, and general economic conditions. A bank may secure deposits made by a trustee under 11 U.S.C. 101 et seq. by pledge of the assets of the bank or by furnishing a surety bond as provided in 11 U.S.C. 345. A bank may also secure deposits made by the United States Secretary of the Interior on behalf of any individual Indian or any Indian tribe under 25 U.S.C. 162a by a pledge of the assets of the bank or by furnishing an acceptable bond as provided in 25 U.S.C. 162a.

(2) Nothing in this section shall prohibit a bank or any officer, director, stockholder, or employee thereof from providing to a depositor a guaranty bond which provides coverage for the deposits of the depositor which are in excess of the amounts insured by the Federal Deposit Insurance Corporation.".

2. On page 8, strike beginning with the last comma in line 3 through "director" in line 4.

3. On page 11, line 28, after "hearing" insert ", or any portion of the hearing,".

4. On page 12, line 4, after the period insert "The director shall close no more of the public hearing than is necessary to attain the objectives of this subsection.".

5. On page 34, line 9, strike "10, 11, and 13" and

insert "11, 12, and 14"; and in line 17 strike "8-147" and insert "8-133, 8-147,".

6. On page 1, line 3, strike "8-147" and insert "8-133, 8-147,"; and in line 9 after the semicolon insert "to authorize the securing of deposits by the Secretary of the Interior on behalf of Indians or Indian tribes as prescribed;".

7. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Transportation

Governor Appointments Wednesday, April 10, 1996 1:15 p.m.
Nebraska Motor Vehicle Industry Licensing Board
Paula L. Wolfson-Kessler
Charles T. Grimsley

(Signed) Doug Kristensen, Chairperson

WITHDRAW - Cointroducer

Mrs. Pirsch withdrew her name as cointroducer to LB 1350.

UNANIMOUS CONSENT - Expedite Bills

Mr. Withem asked unanimous consent to expedite LBs 108, 1375, 1114, 299, and 1368. No objections. So ordered.

MRS. CROSBY PRESIDING

UNANIMOUS CONSENT - Member Excused

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

GENERAL FILE

LEGISLATIVE BILL 952. Mr. Lindsay withdrew his amendment, FA481, found in the Journal on page 1019.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM3161, found in the Journal on page 809 and considered on page 1015, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM3161, found in the Journal on page 809.

Messrs. Maurstad, Bromm, Lindsay, Beutler, Bernard-Stevens, and Brashear renewed their pending substitute amendment, AM3966, found in the Journal on page 1386.

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

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Maurstad et al. amendment was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

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

Mr. Lindsay withdrew his amendments AM2888, printed separately and referred to on page 809, AM3476, AM3441, AM3440, AM3436, AM3480, AM3477, AM3479, AM3483, AM3485, and AM3486, found in the Journal on pages 1017, 1018, 1019, and 1023.

Mr. Maurstad withdrew his amendments, AM3133, AM3206, AM3134, and AM3451, found in the Journal on pages 809, 810, and 1017.

Mr. Beutler withdrew his amendments, AM3467 and AM3468, found in the Journal on page 1016.

Mr. Will withdrew his amendment, AM3482, found in the Journal on page 1023.

Advanced to E & R for review with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1226. Title read. Considered.

Standing Committee amendment, AM3516, printed separately and referred to on page 1266, was considered.

Mr. Bromm offered the following amendment to the Standing Committee amendment:
AM4186

(Amendments to Standing Committee amendments, AM3516)

1. On page 32, line 20, strike "and"; and in line 21 after "(10)" insert "The executive director of the Nebraska Cooperative Council or his or her designee; and

(11)".

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Bromm amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Messrs. Klein, Lynch, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 634. Title read. Considered.

Standing Committee amendment, AM3677, found in the Journal on page 1263, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

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

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1201. Title read. Considered.

Standing Committee amendment, AM3284, found in the Journal on page 924, was considered.

MR. BERNARD-STEVENS PRESIDING

Messrs. Maurstad, Janssen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM4189, found in the Journal on page 1616, to the Standing Committee amendment.

Ms. Schimek 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 15 ayes, 0 nays, and 34 not voting.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud	Jensen	Matzke	Schimek	Wesely
Chambers	Klein	Preister	Schrock	Wickersham
Hudkins	Landis	Schellpeper		

Voting in the negative, 17:

Avery	Bohlke	Fisher	Stuhr	Will
Bernard-Stevens	Dierks	Hilgert	Warner	Witek
Beutler	Elmer	Jones	Wehrbein	Withem
	Engel	Kristensen		

Present and not voting, 11:

Brashear	Crosby	Lindsay	Pedersen	Robak
Bromm	Hillman	McKenzie	Pirsch	Schmitt
Brown				

Excused and not voting, 8:

Coordsen	Hartnett	Lynch	Robinson	Vrtiska
Cudaback	Janssen	Maurstad		

The Landis amendment lost with 13 ayes, 17 nays, 11 present and not voting, and 8 excused and not voting.

The Standing Committee amendment was adopted with 29 ayes, 4 nays, 8 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 31 ayes, 6 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Mrs. Hillman, Messrs. Will, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1264. Title read. Considered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM3179, found in the Journal on page 829, was considered.

Messrs. Preister and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
FA597

On page 2 in line 16, put a comma after "one", and after "numerals", strike all language through "enhance" in line 17 and insert, "the size of which maximizes"

The Chambers amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
FA598

On page 2 in lines 20-21 strike "a resident of Nebraska" and insert "any person".

Mr. Chambers withdrew his amendment.

Mr. Brashear moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 30:

Abboud	Crosby	Jensen	Maurstad	Stuhr
Avery	Dierks	Jones	McKenzie	Wehrbein
Beutler	Elmer	Klein	Robak	Wesely
Bohlke	Engel	Landis	Schellpeper	Wickersham
Brashear	Fisher	Lindsay	Schmitt	Witek
Brown	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 3:

Bernard-Stevens	Chambers	Warner

Present and not voting, 4:

Hartnett	Kristensen	Lynch	Schimek

Absent and not voting, 3:

Bromm	Pedersen	Pirsch

Excused and not voting, 9:

Coordsen	Hilgert	Janssen	Robinson	Will
Cudaback	Hillman	Preister	Vrtiska	

Advanced to E & R for review with 30 ayes, 3 nays, 4 present and not voting, 3 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 1044, 1044A, 253, 253A, 414, 414A, 842, 922, 922A, 923, 962, 1138, 1138A, 1141, 1162, and 1184.

GENERAL FILE

LEGISLATIVE BILL 1264A. Title read. Considered.

Messrs. Landis, Abboud, Withem, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 3 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 108A. Title read. Considered.

Messrs. Robinson, Klein, Hartnett, Kristensen, Pedersen, and Mrs. McKenzie 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.

Advanced to E & R for review with 25 ayes, 1 nay, 10 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1085A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 1373A. Title read. Considered.

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

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

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

AMENDMENTS - Print in Journal

Mrs. Hillman filed the following amendment to LB 1375:
AM4207

(Amendments to AM4153)

1. On page 2, line 21, after the period insert "Subscriber contracts arising out of a contract in existence on the effective date of this act shall not extend beyond January 31, 1998.".

Mr. Chambers filed the following amendment to LB 1264:
FA599

1. On page 2, in line 2, before "Spirit" insert "Holy", and do likewise wherever "Spirit" appears in the bill and amendments, and insert "holy" before "spirit" wherever it appears in the bill or amendments;

2. Add new section: "LB 1264 comes to the public, courtesy of Senator Ernie Chambers".

Mr. Wehrbein filed the following amendment to LB 1189:
AM4198

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 61. Laws 1995, LB 391, section 11, is amended to read:

Sec. 11. AGENCY NO. 25--DEPARTMENT OF PUBLIC INSTITUTIONS

Program No. 912 - Beatrice State Developmental Center Cottage Renovation

	FY1995-96	FY1996-97	FUTURE
STATE BUILDING FUND	360,000	360,000	-0-
PROGRAM TOTAL	360,000	360,000	-0-

The Department of Public Institutions is hereby authorized to renovate four cottages at the Beatrice State Developmental Center.

The unexpended State Building Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 25, Department of Health and Human Services, Program 912, Beatrice State Developmental Center, for FY1996-97.".

2. On page 8, after line 2, insert the following:

"The unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 175, Medical Student Loans, for FY1996-97.".

3. On page 55, line 1, strike "17,181,064" and insert "16,349,490"; in line 4 strike "123,971" and insert "96,262"; in line 6 strike "17,556,439" and insert "16,697,156"; and in line 8 strike "10,377,077" and insert "9,634,904".

4. On page 134, line 25, after "sections" insert "11,".

5. Renumber the remaining sections accordingly.

Mr. Lynch filed the following amendment to LB 1190:
AM4197

(Amendments to Standing Committee amendments, AM3412)

1. On page 8, line 26, strike "2009", show as stricken, and insert "1997".

2. On page 9, line 2, after the period insert "Commencing July 1, 1997, and continuing until July 1, 2009, the State Treasurer shall place the equivalent of nineteen cents of such tax less three million dollars each fiscal year of proceeds of such tax in the General Fund"; and in line 3 strike "twenty-one", show as stricken, and insert "nineteen".

3. On page 12, line 12, strike "five" and insert "seven".

Mr. Lynch filed the following amendment to LB 1190:
AM4176

(Amendments to Standing Committee amendments, AM3412)

1. On page 12, line 12, strike "five" and insert "seven"; and strike lines 24 through 27.

2. On page 13, lines 1 through 7, strike the new matter and insert "(g) Seventh,"; in line 10 strike "(g)", show as stricken, and insert "(f)"; and in line 14 strike "(i) Ninth", show as stricken, and insert "(h) Eighth".

3. On page 14, line 10, after the new comma insert "and"; and strike beginning with the comma in line 11 through "Fund" in line 12.

4. On page 15, line 10, after the first comma insert "and"; strike beginning with the second comma in line 10 through "Fund" in line 11; and in line 13 strike "(i)", show as stricken, and insert "(h)".

Mr. Lynch filed the following amendment to LB 1190:
AM4182

(Amendments to Standing Committee amendments, AM3412)

1. Insert the following new section:

"Sec. 14. Section 81-179, Revised Statutes Supplement, 1995, is amended to read:

81-179. There is hereby created under the control of the Governor, for allocation to building renewal projects of the various agencies, a fund to be known as the Building Renewal Allocation Fund. The fund shall contain the revenue from fees as provided in section 81-1108.17, revenue from the special privilege tax as provided in section 77-2602, and such other money as is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be kept separate and distinct from the program continuation funds and project construction funds. Separate subfunds, subprograms, projects, or accounts shall be established to separately account for any expenditures on state buildings or facilities to comply with the federal Americans with Disabilities Act of 1990. A minimal amount of the funds contained in the subfunds, subprograms, projects, or accounts may be used for planning and evaluation of buildings and facilities. The budget division of the Department of Administrative Services may administratively transfer funds to appropriate accounting entities to correctly account for the operating expenditures. A separate fund, cash fund, project, or other account may be administratively established for such purpose. At the direction of and subject to express appropriation by the Legislature, amounts accruing to the Building Renewal Allocation Fund for fiscal years 1997-98 through 2000-01 may be expended to support achievement of goals identified in the Information Technology Infrastructure Act. Annual appropriations from the Building Renewal Allocation Fund for such purpose shall not exceed annual anticipated revenue from the equivalent of two cents of the special privilege tax as provided in section 77-2602. Any money in the ~~Building Renewal Allocation Fund~~ fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 4, strike beginning with the comma in line 8 through "77-2602" in line 9.

3. On page 12, line 12, strike "five" and insert "seven"; and strike lines 24 through 27.

4. On page 13, lines 1 through 7, strike the new matter and insert "(g) Seventh,"; in line 10 strike "(g)", show as stricken, and insert "(f)"; and in line 14 strike "(i) Ninth", show as stricken, and insert "(h) Eighth".

5. On page 14, line 10, after the new comma insert "and"; and strike beginning with the comma in line 11 through

"Fund" in line 12.

6. On page 15, line 10, after the first comma insert "and"; strike beginning with the second comma in line 10 through "Fund" in line 11; in line 13 strike "(i)", show as stricken, and insert "(h)"; in line 15 strike "and 16" and insert "14, and 17"; and in line 23 strike "is" and insert "and section 81-179, Revised Statutes Supplement, 1995, are".

7. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1996, at 1:30 p.m., were the following bills: 1044, 1044A, 253, 253A, 414, 414A, 842, 922, 922A, 923, 962, 1138, 1138A, 1141, 1162, and 1184.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 1251. Placed on General File.

(Signed) Bob Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1188. Title read. Considered.

Standing Committee amendment, AM3278, found in the Journal on page 947, was considered.

Mr. Lindsay asked unanimous consent to replace his pending amendment, AM3525, found in the Journal on page 1045, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his amendment, AM3525, found in the Journal on page 1045.

Messrs. Matzke, Lindsay, and Wesely offered the following substitute amendment to the Standing Committee amendment:
AM4213

(Amendments to Standing Committee amendments, AM3278)

1. Strike amendment 1 and all amendments thereto and insert the following new amendments:

"1. Strike the original sections and insert the following new sections:

'Section 1. Sections 1 to 12 of this act shall be known and may be cited as the Nonprofit Hospital Sale Act.

Sec. 2. For purposes of the Nonprofit Hospital Sale Act:

(1) Department means the Department of Health;

(2) Hospital has the definition found in subdivision (3) of section 71-2017.01;

(3) Acquisition means any acquisition by a person or persons of an ownership or controlling interest in a hospital, whether by purchase, merger, lease, gift, or otherwise, which results in a change of ownership or control of twenty percent or greater or which results in the acquiring person or persons holding a fifty percent or greater interest in the ownership or control of a hospital, but acquisition does not include the acquisition of an ownership or controlling interest in a hospital owned by a nonprofit corporation if the transferee (a) is a nonprofit corporation having a substantially similar charitable health care purpose as the transferor or is a governmental entity, (b) is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or as a governmental entity, and (c) will maintain representation from the affected community on the local board; and

(4) Person has the meaning found in section 71-5822.

Sec. 3. No person shall engage in the acquisition of a hospital owned by a nonprofit corporation without first having applied for and received the approval of the department and without first having notified the Attorney General and, if applicable, received approval from the Attorney General pursuant to the Nonprofit Hospital Sale Act. No person shall engage in the acquisition of a hospital not owned by a nonprofit corporation without first having applied for and received the approval of the department pursuant to the act unless such acquiring person is a nonprofit corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or is a governmental entity. For purposes of the act, approval of the department and the Attorney General shall not be required for the acquisition of a hospital not owned by a nonprofit corporation as follows: (1) The lease of a county hospital approved under section 23-3504; or (2) the dissolution of a hospital district approved under sections 23-3544 to 23-3546 or the merger of hospital districts approved under sections 23-3573 to 23-3578.

Any person not required to obtain the approval of the department under the provisions of the Nonprofit Hospital Sale Act shall give the Attorney General at least thirty days' notice of an impending acquisition, during which time the Attorney General may take any necessary and appropriate action consistent with his or her general duties of oversight with regard to the conduct of charities. The notice shall briefly describe the impending acquisition, including any change in ownership of tangible or intangible assets.

The application shall be submitted to the department and the Attorney General on forms provided by the department and shall include the name of the seller, the name of the purchaser or other parties to an acquisition, the terms of the proposed agreement, the

sale price, a copy of the acquisition agreement, a financial and economic analysis and report from an independent expert or consultant of the effect of the acquisition under the criteria set forth in section 7 of this act, and all other related documents. A copy of the application and copies of all additional related materials shall be submitted to the department and to the Attorney General at the same time. The applications and all related documents shall be considered public records for purposes of sections 84-712 to 84-712.09.

Sec. 4. (1) Within five working days after receipt of an application under section 3 of this act, the department shall publish notice of the application in a newspaper of general circulation in the county or counties where the hospital is located and shall notify by first-class United States mail any person who has requested notice of the filing of such applications. The notice shall state that an application has been received, state the names of the parties to the agreement, describe the contents of the application, and state the date by which a person may submit written comments about the application to the department.

(2) Within sixty days after receiving an application, the department shall review the application in accordance with the standards set forth in the Nonprofit Hospital Sale Act and approve or disapprove the acquisition pursuant to the act.

Within twenty days after receiving an application, the Attorney General shall determine whether to review the application in accordance with section 7 of this act and shall so notify the applicant. If the Attorney General determines to review the application in accordance with the act, the Attorney General shall, within sixty days after receiving the application, review the application in accordance with the standards set forth in section 7 of this act and approve or disapprove the acquisition. If the Attorney General determines not to review the application in accordance with the act, then none of the other provisions of the act applicable to review by the Attorney General shall apply.

(4) For acquisitions which require approval from the department under the Nonprofit Hospital Sale Act and a certificate of need under the Nebraska Health Care Certificate of Need Act, the applicant shall submit a single application for both purposes and such application shall be reviewed under a single unified review process by the department. Following the single unified review process, the department shall simultaneously issue (a) its decision for purposes of the Nebraska Health Care Certificate of Need Act and (b) its decision for purposes of the Nonprofit Hospital Sale Act.

Sec. 5. The department, and the Attorney General if he or she determines to review the acquisition, shall during the course of its review under section 4 or 6 of this act hold a public hearing in which any person may file written comments and exhibits or appear and make a statement. The department or the Attorney

General may subpoena additional information or witnesses, require and administer oaths, require sworn statements, take depositions, and use related discovery procedures for purposes of the hearing and at any time prior to making a decision on the application.

The hearing shall be held not later than thirty days after receipt of an application. The hearing shall be held upon ten working days' notice, not including days the application is deemed to be incomplete.

Sec. 6. (1) If the Attorney General determines to review the application, he or she shall review the application in accordance with the standards enumerated in section 7 of this act. Within sixty days after receipt of an application, the Attorney General shall approve or disapprove the acquisition.

If the Attorney General does not act within sixty days after receipt of an application, the application shall be deemed approved. If the Attorney General approves or disapproves the acquisition, the applicant, or any person who has submitted comments under section 5 of this act, if the person has a legal interest in the hospital being acquired or in another hospital that has contracted with the acquired hospital for the provision of essential health services, may bring an action for declaratory judgment under the Declaratory Judgments Act for a determination that the acquisition is or is not in the public interest as provided in section 7 of this act.

(2) The department shall review the completed application in accordance with the standards enumerated in section 8 of this act. Within sixty days after receipt of a completed application, the department shall:

(a) Approve the acquisition, with or without any specific modifications; or

(b) Disapprove the acquisition.

The department shall not make its decision subject to any condition not directly related to criteria enumerated in section 8 of this act, and any condition or modification shall bear a direct and rational relationship to the application under review.

The department shall adopt and promulgate rules and regulations establishing procedures by which any affected person may appeal a final decision by the department under the Nonprofit Hospital Sale Act to the Certificate of Need Review Committee created under section 71-5859.01 under procedures substantially similar to those for appeals of health care certificate of need decisions. The committee shall have the same powers and duties with respect to appeals under the Nonprofit Hospital Sale Act as exist for appeals to the committee under the Nebraska Health Care Certificate of Need Act. The findings, conclusions, and decisions of the committee shall constitute the determination of the department, except that the department, the applicant, or any affected person who has intervened in the matter before the committee may seek judicial review as provided in sections 84-917

to 84-919.

Sec. 7. If the Attorney General determines to review the application, he or she shall approve the application unless he or she finds that the acquisition is not in the public interest. An acquisition is in the public interest if appropriate steps have been taken to safeguard the value of charitable assets and ensure that any proceeds of the transaction are used for appropriate charitable health care purposes as provided in subdivision (8) of this section. In determining whether the acquisition meets such criteria under the Nonprofit Hospital Sale Act, the Attorney General shall consider:

(1) Whether the acquisition is permitted under the Nebraska Nonprofit Corporation Act and other laws of Nebraska governing nonprofit entities, trusts, or charities;

(2) Whether the nonprofit hospital exercised due diligence in deciding to sell, selecting the buyer, and negotiating the terms and conditions of the sale;

(3) The procedures used by the seller in making its decision, including whether appropriate expert assistance was used;

(4) Whether conflict of interest was disclosed, including, but not limited to, conflicts of interest related to board members of, executives of, and experts retained by the seller, purchaser, or parties to the acquisition;

(5) Whether the seller will receive reasonably fair value for its assets. The Attorney General may employ, at the seller's expense, reasonably necessary expert assistance in making this determination;

(6) Whether charitable funds are placed at unreasonable risk, if the acquisition is financed in part by the seller;

(7) Whether any management contract under the acquisition is for reasonably fair value;

(8) Whether the sale proceeds will be used for appropriate charitable health care purposes consistent with the seller's original purpose or for the support and promotion of health care in the affected community and whether the proceeds will be controlled as charitable funds independently of the purchaser or parties to the acquisition; and

(9) Whether a right of first refusal to repurchase the assets by a successor nonprofit corporation or foundation if the hospital is subsequently sold to, acquired by, or merged with another entity has been retained.

Sec. 8. In making a decision whether to approve or disapprove an application, the department shall consider:

(1) Whether sufficient safeguards are included to assure the affected community continued access to affordable care;

(2) Whether the purchaser and parties to the acquisition have made a commitment to provide health care to the disadvantaged, the uninsured, and the underinsured and to provide benefits to the affected community to promote improved health care. Activities and

funding provided by the seller or its successor nonprofit corporation or foundation to provide such health care may be considered in evaluating compliance with this commitment; and

(3) If health care providers will be offered the opportunity to invest or own an interest in the purchaser or a related entity to the purchaser, whether procedures or safeguards are in place to avoid conflict of interest in patient referral and the nature of such procedures or safeguards.

This section does not apply a higher standards to hospitals covered by the Nonprofit Hospital Sale Act than those applicable to hospitals not covered by the act.

Sec. 9. If the department receives information indicating that the acquiring person is not fulfilling the commitment to the affected community under section 8 of this act, the department shall hold a hearing upon ten days' notice to the affected parties. If after such hearing the department determines that the information is true, it may institute proceedings to revoke the license issued to the purchaser.

Sec. 10. The Attorney General shall have the authority, pursuant to Chapter 21, article 19, to ensure compliance with commitments which inure to the public interest.

Sec. 11. No license to operate a hospital may be issued or renewed by the department pursuant to Chapter 71, article 20, or any other state statute, and a license which has been issued shall be subject to revocation or suspension, if:

(1) There is an acquisition of a hospital without first having received the approval of the department under the Nonprofit Hospital Sale Act;

(2) There is an acquisition of a hospital without the approval of the Attorney General, if the Attorney General determines to review the application under the act;

(3) There is an acquisition of a hospital and the Attorney General disapproves the acquisition and there is a judicial determination under the Declaratory Judgments Act that the acquisition is not in the public interest; or

(4) The hospital is not fulfilling its commitment under section 8 of this act or is not following procedures of safeguards committed to under subdivision (3) of such section.

This section does not limit the rights to a hearing under section 71-2023 or the right of appeal for a hospital from such decision as provided in Chapter 71, article 20.

Sec. 12. Any acquisition of a hospital before the effective date of this act and any acquisition in which an application for a certificate of need under the Nebraska Health Care Certificate of Need Act has been granted by the department before the effective date of this act is not subject to the Nonprofit Hospital Sale Act.

Sec. 13. No provision of the Nonprofit Hospital Sale Act shall derogate from the common law or statutory authority of the

15 Attorney General.
16 Sec. 14. Since an emergency exists, this act takes
17 effect when passed and approved according to law.'.".

The Matzke et al. amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

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

Mr. Lindsay asked unanimous consent to replace his pending amendment, AM3526, found in the Journal on page 1046, with a substitute amendment. No objections. So ordered.

Mr. Lindsay withdrew his amendment, AM3526, found in the Journal on page 1046.

Mr. Lindsay offered the following substitute amendment to the Standing Committee amendment:
FA600
Amend AM4213, as follows.
1. Page 7, line 2, strike "if" and insert "unless" add "not" after "is"
2. Page 9, line 12, strike "pursuant to Chapter 21, Article 19."

The Lindsay amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Lindsay withdrew his amendment, AM3712, found in the Journal on page 1171.

Mr. Will withdrew his amendments, AM4091 and AM4092, found in the Journal on page 1508.

Mr. Hilgert withdrew his amendments, AM4058 and AM4059, found in the Journal on page 1511.

Mr. Lindsay withdrew the McKenzie amendment, AM4125, found in the Journal on page 1609.

The Standing Committee amendment, as amended, 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 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Messrs. Dierks and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1188A. 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.

UNANIMOUS CONSENT - Member Excused

Mr. Bernard-Stevens asked unanimous consent to be excused. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Schrock filed the following amendment to LR 292CA:
AM4167

(Amendments to Standing Committee Amendments, AM3650)

1. On page 5, line 13, after the second "land" insert " , and such values shall not exceed eighty percent of fair market value for agricultural land and horticultural land"; and in line 20 after "(8)" insert "the value of real property except as provided in subdivision (5) of this section shall, for property tax purposes, not exceed one hundred percent of fair market value; (9)".

2. On page 6, line 6, strike "(9)" and insert "(10)".

3. On page 10, line 18, after the comma insert "to provide limits on valuation of property for tax purposes,".

Messrs. Wehrbein, Lindsay, Wickersham, Bromm, and Mrs. Witek filed the following amendment to LB 1190:
AM4192

(Amendments to Standing Committee amendments, AM3412)

1. Insert the following new section:

"Sec. 7. Unless otherwise authorized by the Legislature, expenditures from the fund shall be limited to the century date change conversion of computer software, hardware, and data. Conversion may include replacement of existing computer software or hardware if the scope of such replacement is determined to be the most cost-effective alternative to achieve the satisfactory completion of the century date change conversion.

Sec. 8. Before any contract between the department and an outside vendor is entered into pursuant to the Information Technology Infrastructure Act, the department shall hold a public hearing on the proposed contract and advise the Appropriations Committee of the Legislature of the hearing and proposed contract.".

2. On page 1, line 3, strike "12" and insert "14".

3. On page 13, lines 1 and 6, strike "shall" and insert "may"; and in line 6 strike ", and are hereby,".

4. On page 15, line 15, strike "13 and 16" and insert "15 and 18".

5. Strike the Lindsay et al. amendment, AM4143.

6. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 345. Placed on Select File as amended.
E & R amendment to LB 345:
AM7267

1. On page 1, line 3, after the semicolon insert "to provide an operative date;".

2. On page 2, line 12, strike "77-1373" and insert "77-1371".

LEGISLATIVE BILL 345A. Placed on Select File as amended.
E & R amendment to LB 345A:
AM7268

1. On page 1, line 3, strike "First" and insert "Second" and strike "1995" and insert "1996".

2. On page 2, line 2, strike "FY1995-96" and insert "FY1996-97"; in line 3 strike "FY1996-97" and insert "FY1997-98"; in line 5 strike "First" and insert "Second"; and in line 6 strike "1995" and insert "1996".

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendment to LB 108:
AM7271

1. In the Standing Committee amendments, AM3613:

a. On page 40, line 3, after "sponsors" insert an underscored comma;

b. On page 46, line 8, strike the comma and show as stricken;

c. On page 61, line 12, strike "that";

d. On page 62, line 1, strike "57" and insert "55"; and

e. On page 71, line 12, after "the" insert "Nebraska".

2. On page 1, line 3, strike "46-663,"; in line 4 strike "46-670,"; in line 8 strike "and"; in line 9 strike "46-659,"; in line 11 after "1994" insert ", and sections 46-659, 46-663, and 46-670, Revised Statutes Supplement, 1995" and after "change" insert "and eliminate".

LEGISLATIVE BILL 1368. Placed on Select File as amended.
E & R amendment to LB 1368:
AM7269

1. In the Chambers amendment, FA585, in amendment 6 before "or" insert an underscored comma.

2. On page 1, line 5, strike "and applicability".

LEGISLATIVE BILL 1375. Placed on Select File as amended.
E & R amendment to LB 1375:
AM7270
1. On page 1, strike beginning with "prohibit" in line 1 through "records" in line 2 and insert "define terms; to state intent; to prohibit and terminate certain contracts relating to access to public records; to provide duties for the Executive Board of the Legislative Council; to create a task force; to provide duties; to provide severability; and to declare an emergency".

LEGISLATIVE BILL 1213. Placed on Select File.
LEGISLATIVE BILL 1213A. Placed on Select File.

LEGISLATIVE BILL 1306. Placed on Select File as amended.
E & R amendment to LB 1306:
AM7272
1. On page 1, strike beginning with "vehicle" in line 1 through line 4 and insert "vehicles; to amend section 60-106, Revised Statutes Supplement, 1994, and section 60-6,298, Revised Statutes Supplement, 1995; to provide for salvage certificates of title as prescribed; to change provisions relating to vehicle size, weight, and load; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 1104. Placed on Select File as amended.
E & R amendment to LB 1104:
AM7273
1. On page 1, line 2, strike "section 60-601" and insert "sections 60-601 and 60-6,290"; and in line 5 after the semicolon insert "to change length limits for combines being transported;".

LEGISLATIVE BILL 1069. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1155A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1211A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 465. Title read. Considered.

Standing Committee amendment, AM0278, found in the Journal on page 673, First Session, 1995, lost with 2 ayes, 11 nays, 22 present and not voting, and 14 excused and not voting.

Mr. Kristensen withdrew his amendments, AM0506 and AM0551, found in the Journal on pages 961 and 962, First Session, 1995.

Mr. Kristensen renewed his pending amendment, AM3798, found in the Journal on page 1308.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 465A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 1255. Title read. Considered.

Standing Committee amendment, AM3252, found in the Journal on page 855, was considered.

Mr. Schellpeper withdrew his amendment, AM3805, found in the Journal on page 1271.

Mr. Jones and Mrs. Pirsch asked unanimous consent to be excused. No objections. So ordered.

Mr. Schellpeper renewed his pending amendment, AM4164, found in the Journal on page 1606, to the Standing Committee amendment.

The Schellpeper amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Messrs. Cudaback and Bromm asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 687. Title read. Considered.

Standing Committee amendment, AM3237, found in the Journal on page 854, was considered.

Mr. Will moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Landis requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 20:

Avery	Fisher	Hudkins	Preister	Wickersham
Beutler	Hartnett	Lindsay	Robak	Will
Bohlke	Hilgert	Lynch	Robinson	Witek
Engel	Hillman	Maurstad	Schellpeper	Withem

Voting in the negative, 5:

Brown	Crosby	Landis	Schimek	Wesely

Present and not voting, 7:

Brashear	Jensen	Schmitt	Stuhr	Wehrbein
Chambers	Matzke			

Absent and not voting, 1:

Warner

Excused and not voting, 16:

Abboud	Coordsen	Janssen	Kristensen	Pirsch
Bernard-Stevens	Cudaback	Jones	McKenzie	Schrock
Bromm	Dierks	Klein	Pedersen	Vrtiska
	Elmer			

The Standing Committee amendment lost with 20 ayes, 5 nays, 7 present and not voting, 1 absent and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mrs. Robak, Messrs. Warner, Chambers, Schmitt, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will requested a record vote on the advancement of the bill.

Voting in the affirmative, 13:

Elmer	Hartnett	Maurstad	Schellpeper	Witek
Engel	Lindsay	Preister	Will	Withem
Fisher	Lynch	Robinson		

Voting in the negative, 7:

Brown	Hilgert	Landis	Schimek	Wesely
Crosby	Hudkins			

Present and not voting, 9:

Avery	Brashear	Jensen	Stuhr	Wickersham
Bohlke	Hillman	Matzke	Wehrbein	

Excused and not voting, 20:

Abboud	Chambers	Janssen	McKenzie	Schmitt
Bernard-Stevens	Coordsen	Jones	Pedersen	Schrock
Beutler	Cudaback	Klein	Pirsch	Vrtiska
Bromm	Dierks	Kristensen	Robak	Warner

Failed to advance to E & R for review with 13 ayes, 7 nays, 9 present and not voting, and 20 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 461. Introduced by Robinson, 16.

WHEREAS, M. Stanley Jensen was a native of Tekamah, Nebraska, a 1948 graduate of Blair High School, and office manager and treasurer of Concrete Equipment Company of Blair from 1957 to 1993; and

WHEREAS, M. Stanley Jensen served the citizens of Blair, Nebraska, on the city council from 1972 to 1978 and as Mayor of Blair from 1979 to 1990; and

WHEREAS, in addition to his elected service, Mr. Jensen assisted his fellow citizens and neighbors in many other capacities, as treasurer of the Washington County Democratic Party, Director of the Washington County Red Cross, chair of the Eastern Nebraska Conference of Mayors, President of the Metropolitan Area Planning

Agency Council of Officials, representative of Senator J. J. Exon to the White House Conference on Small Business, and representative of the city of Blair at the opening ceremonies of the Karl May Festival in Bad Segeberg, West Germany; and

WHEREAS, in acknowledgement of his contributions, Mr. Jensen received many awards, including the Dana College Community Service award, and the Omaha Public Power District award for his negotiations with OPPD on the sale of the Blair electrical system; and

WHEREAS, M. Stanley Jensen died March 25, 1996, in Omaha.

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

1. That the Legislature extends its condolences to the family of M. Stanley Jensen.

2. That copies of this resolution be provided to Mr. Jensen's family.

Laid over.

AMENDMENTS - Print in Journal

Mr. Preister and Mrs. Bohlke filed the following amendment to LB 634:

AM4200

(Amendments to Standing Committee amendments, AM3677)

1. On page 4, line 24, after the period insert "The department shall include in the report an estimate of the amount of emissions that have been reduced since the emission fee was established in Nebraska and a discussion of options for incentives to reduce emissions.".

Mr. Lindsay filed the following amendment to LB 590:

AM3828

(Amendments to AM3617)

1. On page 12, line 4, strike "ninety days" and insert "one year".

Mr. Lindsay filed the following amendment to LB 1316:

AM4119

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 42-364.16, Revised Statutes Supplement, 1994, is amended to read:

42-364.16. The Child Support Commission shall formulate ~~Supreme Court shall provide by court rule, as a rebuttable presumption,~~ guidelines for the establishment of all child support obligations. Child support shall be established in accordance with such guidelines, ~~which~~ and the guidelines are presumed to be in the best interests of the child, unless the court finds that one or both parties have produced sufficient evidence to rebut the

presumption that the application of the guidelines will result in a fair and equitable child support order.

Sec. 2. Effective July 1, 1997, there is hereby established a Child Support Commission composed of nine members. Members of the commission shall be appointed no later than July 1, 1997, and every four years thereafter.

(1) The Chief Justice shall appoint three members who shall be members of the Nebraska State Bar Association and who practice family law. In making the appointments, the Chief Justice shall consider whether the appointees primarily represent custodial parents receiving child support, noncustodial parents paying child support, or a combination of both and shall appoint a combination of members who are balanced between those competing interests.

(2) The Executive Board of the Legislative Council shall appoint three members.

(3) Within thirty days after receiving the names of the appointees from the Chief Justice and the Executive Board of the Legislative Council, the Governor shall appoint three members. In making his or her appointments, the Governor shall ensure, to the fullest extent possible, that the commission is broadly based with respect to gender, ethnic background, and geographic location.

(4) Members of the commission appointed pursuant to subdivisions (2) and (3) of this section shall (a) be balanced with respect to perspectives representing custodial and noncustodial parents, (b) have expertise in economics, accounting, or child development, and (c) not be employed by or affiliated with any company, corporation, or governmental agency or division associated with, or deriving more than twenty percent of its net income from, activities related to the collection of child support.

(5) Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(6) The commission shall have the power to hire, contract, or otherwise obtain the services of consultants, researchers, aides, and other necessary support staff with the prior approval of the Speaker of the Legislature.

(7) In formulating its recommended guidelines, the commission shall conduct public hearings around the state. In addition, the commission shall consider the needs of all minor children being supported by the parents, the income and earning capacity of the parents, all financial obligations of the parents established in any prior or contemporaneous order, the necessary living expenses of each parent, and the amount of time the children spend with each parent. Whenever practicable, the commission shall base its recommendations on economic data and statistics collected in the State of Nebraska.

(8)(a) The commission shall present its report and recommended guidelines to the chairperson the Executive Board of the Legislature, the Chief Justice, and the Governor by December 1,

1997. Such guidelines shall take effect on July 1, 1998, unless disapproved by the Supreme Court within thirty days. (b) In the event that the guidelines are disapproved by the Supreme Court, the court shall include the reasons for its disapproval. The members of the commission shall meet again to modify the guidelines and resubmit them to the Supreme Court. Until the guidelines are adopted pursuant to this section, the guidelines in effect on June 1, 1995, shall remain in effect.

Sec. 3. Original section 42-364.16, Revised Statutes Supplement, 1994, is repealed.".

Messrs. Maurstad, Schrock, and Avery filed the following amendment to LB 1114:
AM4216

(Amendments to E & R amendments, AM7264)

1. On page 1, strike line 24.

2. On page 2, strike lines 1 through 5 and insert the following new subsection:

"(6) Incorporated cities of the metropolitan and primary class may levy a maximum levy of forty cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the first class may levy a maximum of fifty-five cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the second class and villages may levy a maximum of seventy-five cents per one hundred dollars of taxable valuation subject to the levy. All cities and villages may levy an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.".

Messrs. Maurstad, Schrock, and Avery filed the following amendment to LB 1114:
AM4131

(Amendments to E & R amendments, AM7264)

1. On page 1, strike line 24.

2. On page 2, strike lines 1 through 5 and insert the following new subsection:

"(6) Incorporated cities of the metropolitan and primary class may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the first class may levy a maximum of sixty cents per one hundred dollars of taxable valuation subject to the levy. Incorporated cities of the second class and villages may levy a maximum of seventy-five cents per one hundred dollars of taxable valuation subject to the levy. All cities and villages may levy an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement executed pursuant to the Interlocal

15 Cooperation Act.".

Mr. Lynch filed the following amendment to LB 1190A:
AM4218
1. On page 2, line 1, strike "(1)"; strike beginning with "and" in line 3 through "FY1997-98" in line 4; strike beginning with "The" in line 10 through line 12; and in line 15 strike "or $344,144 for FY1997-98".
2. On page 3, strike lines 19 through 28.
3. On page 4, strike lines 1 through 18.
4. On page 5, line 7, strike "section 3 of this act" and insert "subdivision (2) of this section"; and strike beginning with "Transfers" in line 8 through "(3)" in line 13.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Wesely asked unanimous consent to have his name added as cointroducer to LB 1055. No objections. So ordered.

UNANIMOUS CONSENT - Expedite LB 465

Mr. Kristensen asked unanimous consent to expedite LB 465. No objections. So ordered.

VISITORS

Visitors to the Chamber were 21 seniors and sponsor from Ralston High School; 24 fourth grade students and teacher from Central Elementary, Plattsmouth; Mr. and Mrs. Ken Reiser from Butte; Senator Matzke's granddaughter, Alex Matzke, and fourth grade students and teachers from Aldrich Elementary School, Omaha; 10 students and sponsors from Hastings Community College; Nick Toberer from Cozad; 46 fourth grade students and teachers from Loveland Elementary, Omaha; and 10 ninth grade students and teacher from Odell High School.

The Doctor of the Day was Richard Hanisch from St. Paul.

ADJOURNMENT

At 4:12 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Monday, April 1, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTY-THIRD DAY - APRIL 1, 1996

LEGISLATIVE JOURNAL

FIFTY-THIRD DAY - APRIL 1, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 1, 1996

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Nancy Erickson, Director, Day Watch, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, McKenzie, Messrs. Chambers, Elmer, Hilgert, Jones, Kristensen, Lindsay, Lynch, Robinson, Schmitt, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 465. Placed on Select File as amended.
E & R amendment to LB 465:
AM7276

1. On page 1, strike beginning with "60-301" in line 1 through line 8 and insert "60-311.11 and 60-311.12, Revised Statutes Supplement, 1995; to change provisions relating to personalized message license plates; and to repeal the original sections.".

LEGISLATIVE BILL 465A. Placed on Select File as amended.
E & R amendment to LB 465A:
AM7277

1. On page 1, line 3; and page 2, line 5, strike "First Session, 1995" and insert "Second Session, 1996".

LEGISLATIVE BILL 1277. Placed on Select File as amended.
E & R amendment to LB 1277:
AM7275

1. On page 1, line 1, after "sections" insert "9-326,"; in line 3 after the first comma insert "9-306.01,"; in line 4 after the last semicolon insert "to provide for the licensure of certain nonprofit and other organizations;" and in line 5 strike "a term" and insert "terms".

LEGISLATIVE BILL 1070. Placed on Select File as amended.
E & R amendment to LB 1070:
AM7274

1. On page 1, line 3, strike "provide for reverter" and insert "grant permanent easements".

LEGISLATIVE BILL 1241. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 731. Placed on General File as amended.
Standing Committee amendment to LB 731:
AM4137

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that protection of the environment is enhanced by the public's voluntary compliance with environmental requirements and the local counterpart or extension of such requirements and that the public will benefit from incentives to identify and remedy environmental compliance issues. The Legislature further declares that it is in the public interest to encourage such activities by assuring limited confidentiality protection of environmental audit findings and of providing fair treatment of those who report audit findings to regulatory authorities.

Sec. 2. (1) For the purposes of sections 1 to 7 of this act:

(a) Environmental audit means the analysis, conclusions, and recommendations resulting from a systematic, documented, periodic, and objective review by a regulated entity or its agent engaged by such person specifically for the purpose of performing such audit of facility operations and practices related to meeting environmental requirements;

(b) Environmental requirement means an environmental

protection requirement contained in (i) the Environmental Protection Act, the Integrated Solid Waste Management Act, the Nebraska Chemigation Act, the Pesticide Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, sections 81-1575 to 81-1577, or federal law, a rule or regulation adopted and promulgated pursuant to such acts, sections, or laws, a permit or order issued pursuant to such acts, sections, or laws, or an agreement entered into or court order issued pursuant to any of the foregoing or (ii) an ordinance or other legally binding requirement of a local governmental unit under authority granted by state or federal law relating to environmental protection;

(c) In camera review means a hearing or review in a courtroom, hearing room, or judge's chambers (i) to which the general public is not admitted, (ii) after which the evidence and the statements of the judge, hearing officer, and counsel are held in confidence by those participating in or present at the hearing or review, and (iii) any transcript of which is sealed and not considered a public record until and unless its contents are disclosed by a court having jurisdiction over the subject matter of the hearing; and

(d) Person means any individual, partnership, limited liability company, association, public or private corporation, trustee, receiver, assignee, agent, municipality or other governmental subdivision, public agency, other legal entity, or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity.

Sec. 3. A person performing a voluntary environmental audit may disclose in writing a possible violation of an environmental requirement to an agency having regulatory authority showing:

(1) A description of the possible violation;

(2) The date of discovery of the possible violation and, if known, the date the possible violation occurred; and

(3) Actions taken to correct the possible violation and, if applicable, a schedule to achieve compliance.

Sec. 4. If disclosure is made pursuant to section 3 of this act and the agency having regulatory authority has approved the action taken or the schedule to achieve compliance, as appropriate, which approval shall not be unreasonably withheld, the person is not liable for civil penalties or penalties pursuant to local ordinances, unless (1) the disclosure was not made within sixty days after knowledge of the information disclosed was obtained by the person and was not disclosed to the agency having regulatory authority prior to the agency having knowledge of the violation contained in the disclosure, (2) the disclosure did not arise out of a voluntary environmental audit, (3) the person or entity making the disclosure did not initiate the appropriate efforts to achieve compliance, did not pursue compliance with due

diligence, and did not correct the noncompliance as soon as reasonably practicable after discovery of the violation during the course of the environmental audit, (4) the person making the disclosure did not cooperate with the agency having regulatory authority with regard to the violation disclosed regarding investigation of the issues identified in the disclosure, (5) the violation was due to a lack of good faith efforts to understand or comply with environmental requirements, (6) the violation was knowing and willful, or (7) the violation would likely result or has resulted in significant adverse impact on the public health or the environment. If the noncompliance under subdivision (3) of this section is the failure to obtain a permit, appropriate efforts to correct the noncompliance may be demonstrated by the submission of a complete permit application within a reasonable time and a permit for such activities is subsequently issued by the agency.

This section shall not apply to violations of the terms of any agreement entered into or court order or other order issued pursuant to an environmental requirement, including, but not limited to, consent decrees or plea agreements.

This section shall not preclude the agency having regulatory authority from seeking the recovery of any economic benefit resulting from noncompliance with an environmental requirement determined by the agency to be significant if the agency determines such recovery is necessary in order to prevent violators from gaining a competitive advantage over other regulated persons who are in compliance with environmental requirements.

For purposes of this section, (a) if a person is required, under an environmental requirement, under a specific permit condition, or under an order issued by the agency, to make a disclosure to an agency having regulatory authority with regard to the violation disclosed, the disclosure is not voluntary with respect to that agency; and (b) repeat violations or closely related additional violations within the facility within five years after a previous violation shall be prima facie evidence of a lack of good faith efforts to comply with environmental requirements.

For purposes of this section, a violation means any violation of an environmental requirement identified in a judicial or administrative order, consent agreement, conviction, or plea agreement.

Sec. 5. Except as specifically provided in sections 1 to 7 of this act, such sections do not affect the regulatory authority any department or agency has to require any action associated with the information disclosed.

Sec. 6. Sections 1 to 7 of this act do not limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work-product doctrine and the attorney-client privilege.

Sec. 7. The district court of the county in which the facility is located or, if all parties agree, the district court of

Lancaster County shall have jurisdiction of actions brought under sections 1 to 7 of this act.

Sec. 8. This act terminates on July 1, 2002.".

(Signed) Chris Beutler, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1252.

A BILL FOR AN ACT relating to the Risk Manager; to amend sections 81-8,239.01, 84-1602, 84-1603, 84-1605, 84-1606, and 84-1613, Reissue Revised Statutes of Nebraska; to change provisions relating to administration of the state employees insurance program and the State Employees Insurance Fund; 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, 34:

Abboud	Bromm	Hillman	Maurstad	Schrock
Avery	Coordsen	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Crosby	Janssen	Pirsch	Vrtiska
Beutler	Dierks	Jensen	Preister	Warner
Bohlke	Engel	Klein	Robak	Wehrbein
Brashear	Fisher	Landis	Schellpeper	Wesely
	Hartnett	Matzke	Schimek	Witek

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Withem

Excused and not voting, 13:

Brown	Hilgert	Lindsay	Robinson	Wickersham
Chambers	Jones	Lynch	Schmitt	Will
Elmer	Kristensen	McKenzie		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1275. With Emergency.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-122 and 8-1509, Reissue Revised Statutes of Nebraska, and sections 8-157 and 8-1507, Revised Statutes Supplement, 1995; to change provisions relating to acquisitions and mergers; 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, 36:

Abboud	Brown	Hudkins	Pedersen	Stuhr
Avery	Coordsen	Janssen	Pirsch	Vrtiska
Bernard-Stevens	Crosby	Jensen	Preister	Warner
Beutler	Dierks	Klein	Robak	Wehrbein
Bohlke	Engel	Landis	Schellpeper	Wesely
Brashear	Fisher	Matzke	Schimek	Witek
Bromm	Hartnett	Maurstad	Schrock	Withem
	Hillman			

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 12:

Chambers	Jones	Lynch	Robinson	Wickersham
Elmer	Kristensen	McKenzie	Schmitt	Will
Hilgert	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 1336.

A BILL FOR AN ACT relating to grain; to amend sections 2-3601, 2-3603, 2-3614, 2-3623, and 2-3628, Reissue Revised Statutes of Nebraska, and section 66-1345.01, Revised Statutes Supplement, 1995; to define a term; to change provisions for filling vacancies on the Corn Development, Utilization, and Marketing Board; to change levy provisions for a fee on corn and refund provisions for fees and excise taxes on corn and grain sorghum; 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, 35:

Abboud	Brown	Hillman	Pedersen	Stuhr
Avery	Coordsen	Hudkins	Pirsch	Vrtiska
Bernard-Stevens	Crosby	Janssen	Preister	Warner
Beutler	Dierks	Jensen	Robak	Wehrbein
Bohlke	Engel	Klein	Schellpeper	Wesely
Brashear	Fisher	Matzke	Schimek	Wickersham
Bromm	Hartnett	Maurstad	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Cudaback	Landis	Witek

Excused and not voting, 11:

Chambers	Jones	Lindsay	McKenzie	Schmitt
Elmer	Kristensen	Lynch	Robinson	Will
Hilgert				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 645.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-320.01, 28-707, 29-2929, 29-2930, 29-2934, and 29-2935, Reissue Revised Statutes of Nebraska; to create the Sex Offender Registration Act; to provide a penalty; to change provisions relating to sexual assault of a child and child abuse; to change and eliminate provisions relating to the Convicted Sex Offender Act; to eliminate resentencing provisions; to provide for an individual discharge plan; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2927 and 29-2931 to 29-2933, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Coordsen	Janssen	Pirsch	Stuhr
Avery	Crosby	Jensen	Preister	Vrtiska
Bernard-Stevens	Dierks	Jones	Robak	Warner
Beutler	Engel	Klein	Robinson	Wehrbein
Bohlke	Fisher	Landis	Schellpeper	Wesely
Brashear	Hartnett	Matzke	Schimek	Wickersham
Bromm	Hillman	Maurstad	Schmitt	Witek
Brown	Hudkins	Pedersen	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 8:

Chambers	Hilgert	Lindsay	McKenzie	Will
Elmer	Kristensen	Lynch		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 645A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Janssen	Pirsch	Stuhr
Avery	Crosby	Jensen	Preister	Vrtiska
Bernard-Stevens	Dierks	Jones	Robak	Warner
Beutler	Engel	Klein	Robinson	Wehrbein
Bohlke	Fisher	Landis	Schellpeper	Wesely
Brashear	Hartnett	Matzke	Schimek	Wickersham
Bromm	Hilgert	Maurstad	Schmitt	Witek
Brown	Hillman	McKenzie	Schrock	Withem
	Hudkins	Pedersen		

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 6:

Chambers	Kristensen	Lindsay	Lynch	Will
Elmer				

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 state funds; to amend sections 23-2314, 24-701, 24-704, 24-710.03, 72-1238, 72-1240, 72-1242, 79-1501, 79-1515, 81-2024, 81-2026, 81-2034, 84-1301, 84-1309.01, 84-1310.01, 84-1311, 84-1316, 84-1325, 84-1501, 84-1504 to 84-1506, and 84-1509, Reissue Revised Statutes of Nebraska, sections 2-1608, 23-2309.01, 23-2310, 72-1237, 72-1239, 72-1243, and 72-1260, Revised Statutes Supplement, 1994, and sections 23-2301, 23-2305, 23-2331, 79-1043, 79-1501.01, 79-1503, 81-2014, 81-2019, 84-1305, 84-1331, and 84-1503, Revised Statutes Supplement, 1995; to define and redefine terms; to change investment provisions for retirement funds and deferred compensation; to change membership provisions for the Nebraska Investment Council and the Public Employees Retirement Board; to change appointment provisions for the state investment officer and the director of the Nebraska Public Employees Retirement Systems; to provide and change powers and duties; to change provisions relating to military service credit and rollover contributions and distributions; to change and eliminate provisions relating to the legal advisor of retirement systems and the Public Employees Retirement Board; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 79-1505, 84-1306, and 84-1508, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Brown	Hillman	Matzke	Schellpeper
Avery	Coordsen	Hudkins	Maurstad	Schimek
Bernard-Stevens	Crosby	Janssen	McKenzie	Schmitt
	Cudaback	Jensen	Pedersen	Schrock
Beutler	Dierks	Jones	Pirsch	Stuhr
Bohlke	Fisher	Klein	Preister	Vrtiska
Brashear	Hartnett	Kristensen	Robak	Warner
Bromm	Hilgert	Landis	Robinson	Wehrbein

Wesely Wickersham Witek

Voting in the negative, 0.

Present and not voting, 2:

Engel Withem

Excused and not voting, 5:

Chambers Elmer Lindsay Lynch Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 847A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 847, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Janssen	Pedersen	Schrock
Avery	Crosby	Jensen	Pirsch	Stuhr
Bernard-Stevens	Cudaback	Jones	Preister	Vrtiska
Beutler	Dierks	Klein	Robak	Warner
Bohlke	Fisher	Kristensen	Robinson	Wehrbein
Brashear	Hartnett	Landis	Schellpeper	Wesely
Bromm	Hilgert	Matzke	Schimek	Witek
Brown	Hillman	Maurstad	Schmitt	Withem
	Hudkins	McKenzie		

Voting in the negative, 0.

Present and not voting, 2:

Engel Wickersham

Excused and not voting, 5:

Chambers Elmer Lindsay Lynch Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1218. With Emergency.

A BILL FOR AN ACT relating to motor carriers; to amend sections 60-305.11, 60-305.12, 60-305.15, 60-305.16, 66-1401, 66-1402, 66-1404, 66-1405, 66-1407 to 66-1413, 66-1415, 75-351, 75-355, and 75-368, Reissue Revised Statutes of Nebraska, sections 60-106, 60-1303, 60-1306, 66-4,114, 66-738, 66-1403, 75-110, 75-349, 75-350, 75-352 to 75-354, and 75-369.03, Revised Statutes Supplement, 1994, and sections 60-115, 60-305.09, 60-305.14, 66-491, 66-712, 66-727, 66-1414, 75-114 to 75-116, 75-156, 75-301, 75-302, 75-303, 75-305, 75-306, 75-307.03, 75-309.01, 75-311, 75-348, 75-358, 75-366, 75-370, 75-371, and 77-2703, Revised Statutes Supplement, 1995; to create the Division of Motor Carrier Services of the Department of Motor Vehicles; to transfer certain powers and duties of the Department of Revenue and the Public Service Commission to the division; to create an advisory council; to provide powers and duties; to rename the Interstate Motor Carriers Base State Fuel Tax Compact Act; to create and eliminate funds; to change enforcement provisions and provisions relating to household goods movers; to harmonize provisions; to provide duties for the Revisor of Statutes; 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	Coordsen	Janssen	Pedersen	Schrock
Avery	Crosby	Jensen	Pirsch	Stuhr
Bernard-Stevens	Cudaback	Jones	Preister	Vrtiska
Beutler	Dierks	Klein	Robak	Warner
Bohlke	Engel	Kristensen	Robinson	Wehrbein
Brashear	Fisher	Landis	Schellpeper	Wesely
Bromm	Hartnett	Lindsay	Schimek	Witek
Brown	Hillman	Matzke	Schmitt	Withem
	Hudkins	McKenzie		

Voting in the negative, 1:

Maurstad

Present and not voting, 2:

Hilgert Wickersham

Excused and not voting, 4:

Chambers Elmer Lynch 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.

MR. COORDSEN PRESIDING

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

LEGISLATIVE BILL 1218A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 1995, LB 392, sections 49, 56, 108, 110, and 254; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1218, Ninety-fourth Legislature, Second Session, 1996; to state intent; to provide for transfers; 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	Coordsen	Hudkins	McKenzie	Schrock
Avery	Crosby	Janssen	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pirsch	Vrtiska
	Dierks	Jones	Preister	Warner
Beutler	Engel	Klein	Robak	Wehrbein
Bohlke	Fisher	Kristensen	Robinson	Wesely
Brashear	Hartnett	Landis	Schellpeper	Witek
Bromm	Hilgert	Lindsay	Schimek	Withem
Brown	Hillman	Matzke	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 5:

Chambers Elmer Lynch Maurstad 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 COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 323. Placed on Select File as amended.
(E & R amendment, AM7287, 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 323A. Placed on Select File.

LEGISLATIVE BILL 463. Placed on Select File as amended.
E & R amendment to LB 463:
AM7278

1. On page 1, line 8, after "change" insert ",
eliminate,"; in line 12 strike "and"; and in line 14 after "1994"
insert "; and to declare an emergency".
2. On page 10, line 1, strike "(4)", show as stricken,
and insert "(5)"; and in line 6 strike "(5)", show as stricken, and
insert "(6)".
3. On page 11, line 13, insert an underscored comma
after "acquisition".

LEGISLATIVE BILL 931. Placed on Select File.

LEGISLATIVE BILL 1274. Placed on Select File as amended.
E & R amendment to LB 1274:
AM7290

1. In the Landis amendment, AM3235:
a. On page 15, line 10, strike "The", show as stricken,
and insert "the";
b. On page 20, lines 9 and 11, strike "said", show as
stricken, and insert "the"; and
c. On page 29, line 27, after the new matter insert an
underscored comma.
2. On page 1, line 2, after the semicolon insert "to
amend sections 15-845, 16-712, 72-1268, 72-1268.04, 77-2305,
77-2314, 77-2317, 77-2318.01, 77-2320, 77-2326.05 to 77-2326.08,
77-2346, 77-2351, 77-2356 to 77-2359, and 77-2364, Reissue Revised
Statutes of Nebraska, sections 14-556, 15-849, 16-713, 16-715,
16-716, 17-607, 17-720, 77-2318, 77-2326.04, 77-2329, 77-2344,
77-2345, 77-2352, 77-2355, 77-2363, 77-2371, 77-2374 to 77-2376,
and 77-2378, Revised Statutes Supplement, 1994, and sections
15-847, 15-848, and 77-2306, Revised Statutes Supplement, 1995;";
and in line 3 after "Act" insert "; to change provisions relating
to the deposit of public funds; to eliminate provisions relating to
the withdrawal and substitution of securities; to harmonize
provisions; to repeal the original sections; and to outright repeal
sections 72-1268.06, 77-2307, 77-2308, 77-2321, 77-2322, and

22 77-2328, Reissue Revised Statutes of Nebraska, and sections
23 72-1268.05, 77-2379, and 77-2380, Revised Statutes Supplement,
24 1994".

LEGISLATIVE BILL 1212. Placed on Select File.

LEGISLATIVE BILL 1249. Placed on Select File as amended.
E & R amendment to LB 1249:
AM7281
1 1. On page 2, line 13, before "All" insert "(1)"; and in
2 line 22 before "In" insert paragraphing and "(2)".
3 2. On page 3, lines 17 and 19, after "his" insert "or
4 her"; and in line 20 after "he" insert "or she".

LEGISLATIVE BILL 1090. Placed on Select File.

LEGISLATIVE BILL 1268. Placed on Select File as amended.
E & R amendment to LB 1268:
AM7280
1 1. On page 1, lines 2 and 3, strike "provide an
2 exception to" and insert "change".
3 2. In the Lindsay amendment, AM3256, on page 2, line 8,
4 strike "shall be guilty of", show as stricken, and insert "is".

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 1391. E & R amendment, AM7263, found in the Journal on page 1534, was adopted.

Messrs. Withem and Lindsay reoffered their amendment, AM3989, found in the Journal on page 1401 and considered on page 1474.

Mr. Landis and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Withem-Lindsay amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Dierks offered the following amendment:
FA601
Strike the Abboud amendment, AM4041, to the committee amendments.

SPEAKER WITHEM PRESIDING

Messrs. Cudaback, Pedersen, and Beutler 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: LBs 1252, 1275, 1336, 645, 645A, 847, 847A, 1218, and 1218A.

SELECT FILE

LEGISLATIVE BILL 1391. The Dierks pending amendment, FA601, found in this day's Journal, was renewed.

Messrs. Wickersham and Kristensen 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?"

Mrs. Witek moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Ms. Schimek requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Abboud	Dierks	Matzke	Schellpeper	Vrtiska
Brashear	Engel	Maurstad	Schmitt	Wesely
Bromm	Jensen	McKenzie	Schrock	Witek
Coordsen	Jones	Pirsch	Stuhr	Withem
Crosby	Klein	Robak		

Voting in the negative, 14:

Avery	Bohlke	Hilgert	Lindsay	Schimek
Bernard-Stevens	Chambers	Hudkins	Preister	Warner
	Fisher	Janssen	Robinson	Wehrbein

Present and not voting, 4:

Brown	Elmer	Hartnett	Hillman

Excused and not voting, 8:

Beutler	Kristensen	Lynch	Wickersham	Will
Cudaback	Landis	Pedersen		

The motion to cease debate lost with 23 ayes, 14 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

MR. WESELY PRESIDING

Mr. Dierks requested a record vote on his amendment.

Voting in the affirmative, 10:

Coordsen	Jensen	Pirsch	Schellpeper	Schrock
Dierks	Jones	Robak	Schmitt	Witek

Voting in the negative, 26:

Abboud	Chambers	Hudkins	McKenzie	Vrtiska
Avery	Crosby	Janssen	Preister	Warner
Bernard-Stevens	Fisher	Klein	Robinson	Wehrbein
	Hartnett	Lindsay	Schimek	Wesely
Bohlke	Hilgert	Maurstad	Stuhr	Withem
Brown	Hillman			

Present and not voting, 5:

Brashear	Bromm	Elmer	Engel	Matzke

Excused and not voting, 8:

Beutler	Kristensen	Lynch	Wickersham	Will
Cudaback	Landis	Pedersen		

The Dierks amendment lost with 10 ayes, 26 nays, 5 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 948.

Correctly Engrossed

The following bills were correctly engrossed: 383, 496, 496A, 633, 932, 965, 1082, 1108A, and 1139.

Enrollment and Review Change to LB 496

The following changes, required to be reported for publication in the Journal, have been made:
ER9150

1. In the Wesely amendment, AM3852, on page 1, line 9, an underscored comma has been inserted after "criminal"; and in line 13 the first "of" has been struck and "after" inserted.

Enrollment and Review Change to LB 948 (Final Reading Copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9148

1. In the Pirsch et al. amendment, AM3842:

a. On page 5, lines 14 and 19, "subdivision" has been struck and "section" inserted; in line 16 "each asset" has been struck; and in line 24 "of the asset" has been inserted after "rate";

b. On page 9, lines 13 and 14; page 10, lines 3, 14 and 15, 17 and 18, and 23 and 24; and page 28, lines 12 and 13, "Department of Banking and Finance" has been struck and "department" inserted;

c. On page 9, line 14, "from" has been struck and "after" inserted and "act" has been struck and "section" inserted;

d. On page 12, line 4, "union's" has been struck and "unions" inserted; and in line 19 "a credit union" has been inserted after "believe";

e. On page 14, line 17; and page 38, line 12, "section 201 et seq. of" has been inserted after "under";

f. On page 14, lines 18 and 19; and page 38, line 13, "(section 201 et seq. of the Federal Credit Union Act)." has been struck;

g. On page 19, line 22, "in" has been inserted after "or"; and in line 25 "pledge, hypothecate," has been inserted after the last comma;

h. On page 23, line 1, "section" has been struck and "subsection" inserted; and in line 2 "act" has been struck and "section" inserted;

i. On page 24, line 14, "and" has been struck; in line 16 the second "and" has been struck and an underscored comma has been inserted after "fee"; and line 20 has been struck and "act." inserted;

j. On page 26, line 19, "or" has been struck and an underscored comma inserted; and in line 20 an underscored comma has been inserted after "office";

k. On page 34, line 18, "objective" has been struck and "objectives" inserted;

l. On page 38, line 17, the first comma has been struck;

m. On page 40, line 27; and page 63, line 27, "act" has been struck and "section" inserted;

n. On page 48, line 23, "section 846 of Title 31" has been struck and "31 U.S.C. 846" inserted;

o. On page 48, lines 25 and 26; page 49, lines 7 and 8; and page 60, line 7, the commas have been struck;

p. On page 51, lines 20 and 21, "104 to 108" has been struck and "103 to 107" inserted;

q. On page 57, line 15, an underscored comma has been inserted after "institution"; in line 17 an underscored comma has been inserted after "thereof"; in lines 17 and 18 "of the" has been struck; in line 21 "an" has been struck and "or" inserted; and in line 25 "and" has been struck and "or" inserted;

r. On page 58, line 19, "or" has been struck and an underscored comma inserted; and in line 22 "from" has been inserted after the first "or";

s. On page 60, line 19, "to" has been struck;

t. On page 61, line 8, "board of" has been inserted after "its";

u. On page 63, lines 10 and 20, "effective date of this act" has been struck and "operative date of this section" inserted;

v. On page 75, line 18, "127," has been struck; and

w. On page 76, line 20, "to provide operative dates;" has been inserted after the second semicolon.

(Signed) David I. Maurstad, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 1226A. Introduced by Bromm, 23; Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1226, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

AMENDMENTS - Print in Journal

Messrs. Hartnett and Schellpeper filed the following amendment to LB 1277:

AM4165

1. Insert the following new sections:

"Section 1. Section 9-232.01, Revised Statutes Supplement, 1995, is amended to read:

9-232.01. (1) Each organization applying for a license to conduct bingo shall file with the department an application on a form prescribed by the department. Each application shall include:

(a) The name and address of the applicant organization;

(b) Sufficient facts relating to the incorporation or organization of the applicant organization to enable the department to determine if the organization is eligible for a license pursuant to section 9-231;

(c) The name and address of each officer of the applicant organization;

(d) The name, address, social security number, years of membership, and date of birth of one bona fide and active member of the organization who will serve as the organization's bingo chairperson; and

(e) The name, address, social security number, years of membership, and date of birth of no more than three bona fide and active members of the organization who will serve as alternate bingo chairpersons.

(2) In addition, each applicant organization shall include with the application:

(a) The name, address, social security number, date of birth, and years of membership of an active and bona fide member of the applicant organization to be licensed as the utilization-of-funds member. Such person shall have been an active and bona fide member of the applicant organization for at least one year preceding the date the application is filed with the department unless the applicant organization can provide evidence that the one-year requirement would impose an undue hardship on the organization. All utilization-of-funds members shall sign a sworn statement indicating that they agree to comply with all provisions of the Nebraska Bingo Act and all rules and regulations adopted pursuant to the act, that they will insure that no commission, fee, rent, salary, profits, compensation, or recompense will be paid to any person or organization, except payments authorized by the act, and that all profits will be spent only for lawful purposes. A fee of ~~twenty~~ fifteen dollars shall be charged for a license for each utilization-of-funds member, and the department may prescribe a separate application form for such license;

(b) For a Class II license only, the name, address, social security number, and date of birth of the individual to be licensed as the gaming manager. Such person shall be required to sign a sworn statement indicating that he or she agrees to comply with all provisions of the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, and all rules and regulations adopted pursuant to such acts. A fee of ~~fifty~~ thirty-five dollars shall be charged for a license for each gaming manager, and the department may prescribe a separate application form for such license;

(c) The name and address of the owner or lessor of the premises in which bingo will be conducted; and

(d) Any other information which the department deems necessary, including, but not limited to, copies of any and all lease or rental agreements and contracts entered into by the organization relative to its bingo activities.

(3) The information required by this section shall be kept current. The bingo chairperson shall notify the department within thirty days of any changes to the information contained on

or with the application.

(4) Except for a limited period bingo, a licensed organization shall not conduct any bingo game or occasion at any time, on any day, at any location, or in any manner different from that described in its most recent filing with the department unless prior approval has been obtained from the department. A request for approval to change the day, time, or location of a bingo occasion shall be made by the bingo chairperson, in writing, at least thirty days in advance of the date the proposed change is to become effective.

(5) No bingo chairperson, alternate bingo chairperson, utilization-of-funds member, or gaming manager for an organization shall be connected with, interested in, or otherwise concerned directly or indirectly with any party licensed as a manufacturer, distributor, or commercial lessor pursuant to the Nebraska Bingo Act or with any party licensed as a manufacturer or distributor pursuant to the Nebraska Pickle Card Lottery Act.

(6) No person shall act as a gaming manager until he or she has received a license from the department. A gaming manager may apply for a license to act as a gaming manager for more than one licensed organization by completing a separate application and paying the ~~fifty-dollar~~ thirty-five-dollar license fee for each organization for which he or she intends to act as a gaming manager. No gaming manager shall be a bingo chairperson or alternate bingo chairperson, and no gaming manager shall hold any other type of license issued under the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, and the Nebraska Pickle Card Lottery Act.

(7) No person shall act as a utilization-of-funds member until he or she has received a license from the department. A utilization-of-funds member shall not hold any other type of license issued under the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, and the Nebraska Pickle Card Lottery Act, except that a utilization-of-funds member may also be designated as the bingo chairperson or alternate bingo chairperson for the same organization.

Sec. 2. Section 9-233, Revised Statutes Supplement, 1994, is amended to read:

9-233. (1) The department may issue an applicant organization one of the following classes of bingo licenses:

(a) A Class I license which shall include organizations with gross receipts from the conduct of bingo which are less than one hundred fifty thousand dollars per license year; or

(b) A Class II license which shall include organizations with gross receipts from the conduct of bingo equal to or greater than one hundred fifty thousand dollars per license year.

(2) For purposes of this section, when bingo occasions are conducted on a joint basis by two or more licensed organizations, the class of license required shall be determined

based upon the combined gross receipts of all licensed organizations involved in the conduct of the bingo occasion.

(3) A fee of ~~fifteen~~ ten dollars shall be charged for a Class I license, and a fee of thirty-five ~~fifty~~ dollars shall be charged for a Class II license.

(4) The department shall adopt and promulgate rules and regulations to establish reporting requirements for each class of license issued.

Sec. 6. Section 9-328, Revised Statutes Supplement, 1994, is amended to read:

9-328. (1) All licenses to conduct a lottery by the sale of pickle cards and licenses issued to utilization-of-funds members shall expire on September 30 of each year or such other date as the department may prescribe by rule and regulation and may be renewed annually. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license unless such application only pertains to the conduct of a lottery by the sale of pickle cards at a special function as provided in section 9-345.01.

(2) The department shall establish classes of licenses for licensed organizations based upon the manner in which the licensed organization intends to sell the pickle cards. The classes shall include:

(a) Class I licenses which shall include organizations which sell individual pickle cards only at the organization's designated premises and at the organization's licensed regularly scheduled bingo occasions pursuant to the Nebraska Bingo Act; and

(b) Class II licenses which shall include organizations which sell the pickle cards on the premises of one or more licensed pickle card operators.

A licensed organization holding a Class II license shall be required to market its pickle cards through a licensed sales agent.

(3) A license fee of ~~one hundred~~ seventy-five dollars shall be charged for each Class I license, one hundred ~~fifty~~ dollars for each Class II license, and ~~twenty~~ fifteen dollars for a license for each utilization-of-funds member.

(4) The department shall adopt and promulgate rules and regulations establishing reporting requirements for each class of license.

Sec. 7. Section 9-329, Revised Statutes Supplement, 1994, is amended to read:

9-329. (1) No sales agent shall market, sell, or deliver any pickle card unit to any pickle card operator without first obtaining a license.

(2) Any person wishing to operate as a sales agent in this state shall file an application with the department for a license on a form prescribed by the department. Each application for a license shall include (a) the name, address, and social

security number of the person applying for the license, (b) the name and state identification number of the licensed organization for which any pickle card units are to be marketed or sold by the applicant, and (c) such other information which the department deems necessary.

A statement signed by the person licensed as a utilization-of-funds member signifying that such licensed organization approves the applicant to act as a sales agent on behalf of such organization shall accompany each sales agent's application for a license. No person licensed as a utilization-of-funds member shall be licensed as a sales agent.

A fee of ~~fifty~~ thirty-five dollars shall be charged for each license issued pursuant to this section. The department shall remit the proceeds from such fee to the State Treasurer for credit to the Charitable Gaming Operations Fund. Such licenses shall expire on September 30 of each year or such other date which the department may prescribe by rule and regulation and may be renewed annually. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.

(3) The information required by this section shall be kept current. A sales agent shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

(4) The department may prescribe a separate application form for renewal purposes.

(5) The department may issue a temporary license pending receipt of additional information or further inquiry.

Sec. 8. Section 9-329.02, Revised Statutes Supplement, 1995, is amended to read:

9-329.02. (1) A pickle card operator shall not be eligible to sell individual pickle cards as opportunities to participate in a lottery by the sale of pickle cards without first obtaining a license.

(2) Any sole proprietorship, partnership, limited liability company, or corporation wishing to operate as a pickle card operator in this state shall file an application with the department for a license on a form prescribed by the department. Each application for a license shall include (a) the name, address, and state identification number of the sole proprietorship, partnership, limited liability company, or corporation applying for the license, (b) a description of the premises on which the pickle cards will be sold or offered for sale, and (c) such other information which the department deems necessary. The information required by this subsection shall be kept current. A pickle card operator shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

(3) A fee of ~~fifty~~ thirty-five dollars shall be charged

for each license issued pursuant to this section and shall be paid for by the applicant. A licensed organization shall not pay the required licensing fees of a pickle card operator as an inducement for the pickle card operator to sell individual pickle cards on its behalf. Such licenses shall expire on September 30 of each year or such other date as the department may prescribe by rule and regulation and may be renewed annually. The department shall remit the proceeds from such license fees to the State Treasurer for credit to the Charitable Gaming Operations Fund. An application for license renewal shall be submitted to the department at least sixty days prior to the expiration date of the license.

(4) One license issued to any sole proprietorship, partnership, limited liability company, or corporation under this section as a pickle card operator shall cover the sole proprietorship, partnership, limited liability company, or corporation and the employees of the licensed pickle card operator. Any license issued pursuant to this section shall be valid only for the sole proprietorship, partnership, limited liability company, or corporation in the name of which it was issued and shall allow the sale of individual pickle cards only on the premises described in the pickle card operator's application for a license. A pickle card operator's license may not be transferred under any circumstances including change of ownership.

(5) The department may prescribe a separate application form for renewal purposes.

(6) A licensed pickle card operator shall not sell individual pickle cards on behalf of a licensed organization until an authorization has been obtained from the department by the licensed organization. The licensed organization shall file an application with the department for such authorization on a form prescribed by the department. Each application for an authorization shall include (a) the name, address, and state identification number of the licensed pickle card operator and (b) such other information which the department deems necessary. The application shall include a statement signed by a person licensed as a utilization-of-funds member signifying that such licensed organization approves the pickle card operator to sell individual pickle cards on behalf of such organization.

(7) A pickle card operator may sell individual pickle cards on behalf of more than one licensed organization. Each licensed organization for which the pickle card operator desires to sell individual pickle cards shall obtain the authorization described in subsection (6) of this section.

(8) A pickle card operator who sells individual pickle cards through a coin-operated or currency-operated dispensing device shall purchase, lease, or rent its own equipment. If such equipment is obtained from a licensed organization or distributor, it shall be purchased, leased, or rented at a rate not less than fair market value. A licensed organization or distributor shall

not provide such equipment to a pickle card operator free of charge or at a rate less than fair market value as an inducement for the pickle card operator to sell a licensed organization's individual pickle cards. The department may require a licensed organization, distributor, or pickle card operator to provide such documentation as the department deems necessary to verify that a pickle card operator has purchased, leased, or rented the equipment for a rate not less than fair market value.

(9) No pickle card operator shall generate revenue from the sale of individual pickle cards which exceeds the revenue generated from other retail sales on an annual basis. For purposes of this subsection, retail sales shall not include revenue generated from other charitable gaming activities authorized by Chapter 9.

Sec. 12. Section 9-424, Revised Statutes Supplement, 1994, is amended to read:

9-424. (1) Each applicant for a license to conduct a lottery or raffle shall file with the department an application on a form prescribed by the department. Each application shall include:

(a) The name and address of the applicant;

(b) Sufficient facts relating to the incorporation or organization of the applicant to enable the department to determine if the applicant is eligible for a license under section 9-423;

(c) The name and address of each officer of the applicant organization;

(d) The name, address, social security number, date of birth, and years of membership of a bona fide and active member of the applicant organization to be licensed as a utilization-of-funds member. Such person shall have been an active and bona fide member of the applicant organization for at least one year preceding the date the application is filed with the department unless the applicant organization can provide evidence that the one-year requirement would impose an undue hardship on the organization. Such person shall sign a sworn statement indicating that he or she agrees to comply with all provisions of the Nebraska Lottery and Raffle Act and all rules and regulations adopted pursuant to the act, that no commission, fee, rent, salary, profits, compensation, or recompense will be paid to any person or organization except payments authorized by the act, and that all net profits will be spent only for lawful purposes. The department may prescribe a separate application for such license;

(e) A roster of members, if the department deems it necessary and proper;

(f) Other information which the department deems necessary; and

(g) A ~~fifteen-dollar~~ ten-dollar license fee for the organization and a ~~twenty-dollar~~ fifteen-dollar license fee for each utilization-of-funds member.

(2) The information required by this section shall be kept current. An organization shall notify the department within thirty days if any information in the application is no longer correct and shall supply the correct information.

Sec. 13. Sections 1, 2, 6 to 8, and 12 to 14 of this act become operative on January 1, 1997. The other sections of this act become operative on their effective date.

Sec. 14. Original sections 9-233, 9-328, 9-329, and 9-424, Revised Statutes Supplement, 1994, and sections 9-232.01 and 9-329.02, Revised Statutes Supplement, 1995, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Avery filed the following amendment to LB 642:
AM4236

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The State Foster Care Review Board shall be responsible for the conduct of periodic reviews which shall be identified as reviews which meet the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. The state board shall be fiscally responsible for any noncompliance sanctions imposed by the federal government related to the requirements for review outlined in the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272. It is the intent of the Legislature that beginning October 1, 1996, the state board shall be the only state agency with the responsibility to conduct six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(2) It is the intent of the Legislature that any six-month court review of a juvenile pursuant to sections 43-278 and 43-1313 shall be identified as a review which meets the federal requirements for six-month case reviews pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272.

(3) The state board may assist the Department of Social Services as to eligibility under Title IV-E for state wards and eligibility for Supplemental Security Income, Supplemental Security Disability Income, Veterans Administration, or aid to families with dependent children benefits, for child support orders of the court, and for medical insurance other than medicaid.

(4) Between January 1, 1998, and August 1, 1998, a review of the state board shall be completed by the Executive Board of the Legislative Council or its designee. This review shall include a determination of the state board's timely performance in meeting federal guidelines, a cost analysis of its case reviews, an analysis as to the quality of reviews, and the effectiveness of

such reviews on the children within the state foster care system.

(5) On or before November 1, 1998, the Executive Board of the Legislative Council or its designee shall make findings and recommendations to the Legislature as to the areas noted in subsection (4) of this section.

(6) On July 1, 1996 seven full-time employees shall be added to the state board. On September 30, 1996, three full-time employees shall be added to the state board.

Sec. 2. Section 43-1318, Reissue Revised Statutes of Nebraska, is amended to read:

43-1318. Sections 43-1301 to 43-1318 and section 1 of this act shall be known and may be cited as the Foster Care Review Act.

Sec. 3. (1) On July 1, 1996, seven full-time employees of the Department of Social Services shall be eliminated and the department shall transfer corresponding federal matching funds obtained from the six-month case reviews conducted by the State Foster Care Review Board under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, to the state board.

(2) On October 1, 1996, three full-time employees of the Department of Social Services shall be eliminated and the department shall transfer corresponding federal matching funds obtained from the six-month case reviews conducted by the State Foster Care Review Board under the federal Adoption Assistance and Child Welfare Act of 1980, Public Law 96-272, to the state board.

(3) On October 1, 1996, the permanency plan review unit of the Department of Social Services shall be eliminated.

Sec. 4. Original section 43-1318, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 1, strike "43-1302" and insert "43-1318".

Messrs. Warner and Avery filed the following amendment to LB 1039:
AM4230

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 77-1344, Revised Statutes Supplement, 1994, is amended to read:

77-1344. (1) Any land which has an actual value as defined in subsection (1) of section 77-112 reflecting a potential use other than agricultural or horticultural use, is located outside the corporate boundaries of any sanitary and improvement district, city, or village, is used exclusively for agricultural or horticultural use, and is zoned for agricultural or horticultural use shall be valued at its actual value for agricultural or horticultural use pursuant to sections 77-1359 to 77-1367 and 77-1371 and not at the actual value it would have if applied to other than agricultural or horticultural use if application for such special valuation is made pursuant to sections 77-1343 to

77-1348, except that the special valuation provisions shall not be applicable to that portion of lands zoned predominantly for agricultural or horticultural use if such lands have been subdivided for residential use. No land which has an actual value as defined in subsection (1) of section 77-112 reflecting a potential use other than agricultural or horticultural use shall be valued as agricultural land or horticultural land unless it receives the special valuation pursuant to sections 77-1343 to 77-1348.

(2) The eligibility of land for the special valuation provisions of this section shall be determined as of January 1, but if land so qualified becomes disqualified prior to ~~July 1~~ the levy date of the same year, it shall be valued at its actual value as defined by subsection (1) of section 77-112 without regard to this section. If the land becomes disqualified after ~~July 1~~ the date of levy, its valuation for that year shall continue as provided in this section.

Sec. 2. Section 77-1348, Reissue Revised Statutes of Nebraska, is amended to read:

77-1348. (1) Whenever land which has received special valuation under subsection (1) of section 77-1344 becomes disqualified for such valuation pursuant to section 77-1347, the assessor shall notify the owner and there shall be added to the tax extended against the land on the next general property tax roll, to be collected and distributed in the same manner as other taxes levied upon real estate, an amount equal to the sum of the following:

(a) ~~The~~ If the land was disqualified for the special valuation pursuant to section 77-1347 before the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have been increased if it had been valued without regard to subsection (1) of section 77-1344 during the last ~~five~~ three or lesser number of years in which such agricultural or horticultural use valuation was in effect for the land, and, if the land was disqualified on or after the levy date of the year of disqualification, the total amount by which the taxes assessed against the land would have increased if it had been valued without regard to subsection (1) of section 77-1344 during the last four or lesser number of years in which such agricultural or horticultural use valuation was in effect for the land; and

(b) Interest upon the amounts of additional tax from each year included in subdivision (1)(a) of this section at the rate of six percent from the dates at which such additional taxes would have been payable if no special valuation under subsection (1) of section 77-1344 had been in effect.

(2) In cases when the designation of specially valued land is removed as a result of a sale or transfer described in subdivision (2) of section 77-1347 other than an acquisition described in subsection (4) of this section, the lien for such

increased taxes and interest shall attach as of the day preceding such sale or transfer.

(3) Land receiving special assessment as agricultural use land immediately prior to August 26, 1983, which becomes disqualified on August 26, 1983, solely because of the amendment of sections 77-1343, 77-1344, and 77-1347 by Laws 1983, LB 26, shall not be subject to subsection (1) of this section at that time, but shall be subject to subsection (1) of this section if any other event occurs which would disqualify such land if it were receiving the special valuation under subsection (1) of section 77-1344.

(4) The provisions of subsection (1) of this section do not apply if the land was acquired by eminent domain or if the land was sold to a public entity which would have had the authority to acquire the land by eminent domain.".

2. On page 1, line 1, strike "homesteads" and insert "property tax" and strike "section" and insert "sections 77-1347 and"; in line 2 after the comma insert "section 77-1344, Revised Statutes Supplement, 1994,"; and in line 3 after the semicolon insert "to change a provision relating to valuation of agricultural and horticultural lands;".

3. On page 5, line 5, strike "section" and insert "sections 77-1347 and"; and in line 6 after the first comma insert "section 77-1344, Revised Statutes Supplement, 1994,".

4. Renumber the remaining sections accordingly.

Messrs. Lindsay and Maurstad filed the following amendment to LB 299:

AM4073

(Amendments to Standing Committee amendments, AM3654)

1. Insert the following new sections:

"Sec. 10. The Prisons Construction Fund is created. The fund shall consist of sales and use tax revenue credited pursuant to section 77-27,132. The fund shall be used for capital construction projects of the Department of Correctional Services which are authorized by the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 11. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be five percent, except that for the period beginning October 1, 1996, and ending September 30, 1997, the rate of the sales tax shall be five and one-half percent.

Sec. 12. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132. (1) There is hereby created a fund to be

designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall (a) credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers and (b) credit to the Prisons Construction Fund all of the proceeds of the sales and use taxes derived from the additional one-half percent levied for the period beginning October 1, 1996, and ending September 30, 1997, other than proceeds derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.".

2. Correct the operative date section and repealer so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendment to LB 1264:
FA602
On page 2, in line 22, after "pursue", insert "undergraduate and".

PROPOSED RULES CHANGES

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 3, Sec. 5(c)(ii):
The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 3, Sec. 5(c)(iii):

The Legislative Program Evaluation Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 1, Sec. 6, strike "Chairperson of Committee on Agriculture" and insert "Chairperson of Committee on Agriculture and Information Technology".

Rule 3, Sec. 3(a), strike "Agriculture" and insert "Agriculture and Information Technology".

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 1, Sec. 6, strike "Chairperson of Committee on Agriculture" and "Chairperson of Committee on Urban Affairs" and insert "Chairperson of Committee on Agriculture and Urban Affairs.

Rule 3, Sec. 3(a), strike "Agriculture.....8 members", and "Urban Affairs" and insert "Agriculture and Urban Affairs".

Referred to the Rules Committee.

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 1, Sec. 6, strike "Chairperson of Committee on Natural Resources" and "Chairperson of Committee on Agriculture" and insert "Chairperson of Committee on Natural Resources and Agriculture".

Rule 3, Sec. 3(a), strike "Agriculture.....8 members", and "Natural Resources" and insert "Natural Resources and Agriculture".

Referred to the Rules Committee.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1996, at 11:05 a.m., were the following bills: 1252, 1275, 1336, 645, 645A, 847, 847A, 1218, and 1218A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 462. Introduced by McKenzie, 34.

WHEREAS, the Edgerton Educational Center in Aurora, Nebraska, provides a unique opportunity for educators, students, and tourists to explore and study the achievements of Nebraska native Harold "Doc" Edgerton, a world-renowned scientist and educator known as the father of electronic flash photography; and

WHEREAS, the Edgerton Educational Center functions as a permanent monument to one of the most distinguished scientific figures of this century, and provides a thrilling, interactive learning experience that will expand the understanding of the world in which we live for citizens of all ages; and

WHEREAS, the Edgerton Educational Center is poised to lead this region in science programming in the coming decades with a commitment to developing programs that will have a major national and international impact on science and math education; and

WHEREAS, the Edgerton Educational Center will expose the region to the very finest educators and scientists to develop programs, give demonstrations, construct exhibits, and train teachers through the Scientist in Residence program.

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

1. That the Edgerton Educational Center in Aurora, Nebraska, be named "Nebraska's Hands-On Science Center".

Laid over.

SELECT FILE

LEGISLATIVE BILL 1189. E & R amendment, AM7254, printed separately and referred to on page 1469, was adopted.

Mr. Bernard-Stevens asked unanimous consent to replace the Bernard-Stevens-Will pending amendment, AM3975, found in the Journal on page 1376, with a substitute amendment. No objections. So ordered.

Messrs. Bernard-Stevens and Will withdrew their amendment, AM3975, found in the Journal on page 1376.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to the Bernard-Stevens et al. amendment, AM4049, found in the Journal on page 1531. No objections. So ordered.

Messrs. Bernard-Stevens, Will, Withem, Mmes. Bohlke, and Stuhr renewed their pending substitute amendment, AM4049, found in the Journal on page 1531.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Bernard-Stevens et al. amendment.

Voting in the affirmative, 35:

Avery	Chambers	Hartnett	Lindsay	Schellpeper
Bernard-Stevens	Coordsen	Hilgert	Matzke	Schimek
Beutler	Crosby	Hudkins	Maurstad	Schmitt
Bohlke	Cudaback	Janssen	McKenzie	Stuhr
Brashear	Dierks	Jones	Pedersen	Vrtiska
Bromm	Elmer	Klein	Robak	Wesely
Brown	Fisher	Kristensen	Robinson	Withem

Voting in the negative, 10:

Engel	Jensen	Pirsch	Warner	Wickersham
Hillman	Landis	Schrock	Wehrbein	Witek

Present and not voting, 2:

Abboud Preister

Excused and not voting, 2:

Lynch Will

The Bernard-Stevens et al. amendment was adopted with 35 ayes, 10 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Witek, Messrs. Landis, Wickersham, Kristensen, Warner, Beutler, Abboud, Lindsay, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Avery asked unanimous consent to replace his pending amendment, AM3956, found in the Journal on page 1376, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM3956, found in the Journal on page 1376.

Mr. Avery offered the following substitute amendment:
AM4050

(Amendments to E & R amendments, AM7254)

PURPOSE: This amendment will eliminate $475,000 General Funds that would be distributed to transit systems in Omaha and Lincoln for operating assistance.

AMENDMENT:

1. Strike section 25.
2. Renumber the remaining sections accordingly.

Mr. Avery moved for a call of the house. The motion prevailed with 17 ayes, 4 nays, and 28 not voting.

Mr. Avery requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Avery	Jensen	Maurstad	Pirsch	Witek

Voting in the negative, 17:

Bernard-Stevens	Chambers	Hartnett	Preister	Wehrbein
	Crosby	Hilgert	Schimek	Wesely
Brashear	Cudaback	Hudkins	Schrock	Withem
Brown	Engel	Pedersen		

Present and not voting, 16:

Bromm	Fisher	Jones	McKenzie	Schmitt
Coordsen	Hillman	Klein	Robak	Stuhr
Dierks	Janssen	Matzke	Schellpeper	Vrtiska
Elmer				

Excused and not voting, 11:

Abboud	Kristensen	Lindsay	Robinson	Wickersham
Beutler	Landis	Lynch	Warner	Will
Bohlke				

The Avery amendment lost with 5 ayes, 17 nays, 16 present and not voting, and 11 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 233, 233A, 373, 373A, 1011, 1161, and 1258.

Enrollment and Review Change to LB 373

The following changes, required to be reported for publication in the Journal, have been made:
ER9151

1. In the Standing Committee amendments, AM0301, on page 2, line 2, "1996" has been struck and "1997" inserted.

2. In the E & R amendments, AM7252, on page 1, the matter beginning with "In" in line 1 through the period in line 2 has been struck.

3. On page 1, line 3, "and" has been inserted before "71-5668" and "and 71-5669," has been struck; and in line 4 "students" has been struck and "the professions" inserted.

(Signed) David I. Maurstad, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 1252, 1275, and 1336.

(Signed) Jerry Schmitt

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 1264:
FA603

On page 4, in line 10, strike "Any" and insert, "Ninety percent of any"

Mrs. Pirsch filed the following amendment to LB 1213:
AM4228

1. Strike original section 3 and insert the following new sections:

"Sec. 3. If two or more law enforcement agencies are involved in the investigation of a sexual assault and fail to agree which agency is the primary investigating law enforcement agency, the primary investigating law enforcement agency shall be the police department or the town marshal if the offense occurred within a city or village with a law enforcement agency, the office of the sheriff if the offense occurred within a county but outside of any city or village with a law enforcement agency, or the Nebraska State Patrol if the offense occurred on state property.

Sec. 4. The Revisor of Statutes shall assign sections 1 and 3 of this act to Chapter 13, article 6, and section 7 of this act to Chapter 81, article 20.".

Mrs. Hudkins filed the following amendment to LB 256:
AM4195

(Amendments to Final Reading copy)

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 29-1823, Reissue Revised Statutes of Nebraska, is amended to read:

29-1823. If at any time prior to trial it appears that the accused has become mentally incompetent to stand trial, such disability may be called to the attention of the district court by the county attorney, by the accused, or by any person for the accused. The judge of the district court of the county ~~wherein~~ where the accused is to be tried shall have the authority to determine whether or not the accused is competent to stand trial. The district judge may also cause such medical, psychiatric, or psychological examination of the accused to be made as he or she deems warranted and hold such hearing as he or she deems necessary. The cost of the examination, when ordered by the court, shall be the expense of the county in which the crime is charged. The district judge may allow any physician, psychiatrist, or psychologist a reasonable fee for his or her services, which amount, when determined by the district judge, shall be certified to the county board which shall cause payment to be made. Should ~~he~~ the district judge determine after a hearing that the accused is mentally incompetent to stand trial, he or she shall order the accused to be committed to a state hospital for the mentally ill until such time as the disability may be removed. The cost of maintenance and care of the accused while under commitment shall be shared equally by the county in which the crime is charged and the state. ~~The cost of such an examination, when ordered by the court, shall be the expense of the county wherein the crime is charged. The district judge may allow any physician, psychiatrist or psychologist a reasonable fee for his services which amount, when determined by the district judge, shall be certified to the county board who shall cause payment to be made.~~".

Mrs. Hudkins filed the following amendment to LB 256A:
AM4258

(Amendments to Final Reading copy)

1. Strike original section 1 and insert the following new section:

"Section 1. (1) There is hereby appropriated (a) $325,065 from the General Fund for FY1996-97 and (b) $325,065 from the General Fund for FY1997-98 to the Department of Public Institutions, for Program 365, to aid in carrying out the

provisions of Legislative Bill 256, Ninety-fourth Legislature, Second Session, 1996.

(2) The cash fund appropriation in the Department of Public Institutions Institutional Cash Fund is hereby reduced by $325,065 in FY1996-97 and $325,065 in FY1997-98.

(3) No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

(4) If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law (a) on January 1, 1997, the unexpended General Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 25, Department of Health and Human Services, Program 365, Mental Health, for FY1996-97, and (b) the cash fund reduction to the appropriation contained in subsection (2) of this section shall take place on or before December 31, 1996.

2. On page 1, line 3, before the period insert "; and to provide for a transfer of funds".

Mr. Bernard-Stevens filed the following amendment to LB 1264: AM4219

(Amendments to E & R amendments, AM7282)

1. On page 4, strike beginning with "divided" in line 9 through "campus" in line 12 and insert "transferred to the Tax Equity and Educational Opportunities Fund for distribution as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act".

Mr. Bernard-Stevens filed the following amendment to LB 1085: AM4220

(Amendments to Standing Committee amendments, AM3649)

1. On page 10, line 12, reinstate the stricken "legal".

VISITORS

Visitors to the Chamber were Willis Regier from Bellevue; 20 seniors and teacher from Greeley High School; 20 students and sponsor from Braunschwerg, Germany; 41 juniors, seniors, and teacher from Eustis-Farnam; 20 fourth grade students and teacher from Hooper Elementary School; and Nebraska Federation of Women's Clubs, Sophomore Pilgrimage from across the state.

RECESS

At 12:09 p.m., on a motion by Mr. Bernard-Stevens, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Brashear, Coordsen, Cudaback, Dierks, Elmer, Engel, Kristensen, Landis, Matzke, Robinson, Schellpeper, Schrock, Vrtiska, Wesely, Will, Mmes. Bohlke, Stuhr, and Witek who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

SELECT FILE

LEGISLATIVE BILL 1189. Mr. Avery asked unanimous consent to replace his pending amendment, AM3961, found in the Journal on page 1377, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM3961, found in the Journal on page 1377.

Mr. Avery offered the following substitute amendment:
AM4051

(Amendments to E & R amendments, AM7254)

1. PURPOSE: To maintain provider service rates at 75% of methodology rates in FY1996-97 and use $1,648,343 ($992,621 General Funds and $655,722 federal funds) which was provided to increase service rates to 80% of methodology rates for services to individuals on the waiting list.

AMENDMENT:

1. On page 61, line 19, strike "$6,340,589" and insert "$5,347,968"; and in line 20 strike "$4,528,389" and insert "$3,872,667".

2. On page 62, line 5, strike "eighty", show as stricken, and insert "seventy-five".

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

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Avery withdrew his amendment.

Mr. Avery withdrew his amendment, AM3967, found in the Journal on page 1377.

Mr. Avery asked unanimous consent to replace his pending amendment, AM3974, found in the Journal on page 1377, with a substitute amendment. No objections. So ordered.

Mr. Avery withdrew his amendment, AM3974, found in the Journal on page 1377.

Mr. Avery offered the following substitute amendment:
AM4053

(Amendments to E & R amendments, AM7254)

1. Strike original section 75.
2. On page 134, line 26, strike "19,".
3. Renumber the remaining sections accordingly.

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

Mr. Avery requested a record vote on his amendment.

Voting in the affirmative, 5:

Avery	Jones	Pedersen	Pirsch	Witek

Voting in the negative, 20:

Abboud	Brown	Fisher	Kristensen	Schimek
Bernard-Stevens	Chambers	Hillman	Maurstad	Schmitt
Beutler	Crosby	Janssen	McKenzie	Wehrbein
Bohlke	Engel	Klein	Preister	Withem

Present and not voting, 14:

Bromm	Hartnett	Jensen	Matzke	Warner
Coordsen	Hilgert	Lindsay	Robak	Wickersham
Dierks	Hudkins	Lynch	Vrtiska	

Excused and not voting, 10:

Brashear	Elmer	Robinson	Schrock	Wesely
Cudaback	Landis	Schellpeper	Stuhr	Will

The Avery amendment lost with 5 ayes, 20 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Bernard-Stevens withdrew his amendment, AM3838, found in the Journal on page 1298.

Mr. Chambers offered the following amendment:

AM4074

(Amendments to E & R amendments, AM7254)

1. On page 8, lines 21 and 22, strike "3,506,100" and insert "1,753,000"; in line 24 strike "two" and insert "one" and strike "units" and insert "unit"; in line 26 strike "Each" and insert "The"; and in line 27 strike "for a combined capacity of two hundred".

2. On page 9, line 1, strike "beds"; and in lines 1 and 3 strike "$3,506,100" and insert "$1,753,000".

Messrs. Coordsen, Schrock, Beutler, Abboud, and Mrs. Bohlke 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 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Bernard-Stevens	Brown	Chambers	Cudaback	Maurstad

Voting in the negative, 38:

Abboud	Engel	Jones	Pirsch	Stuhr
Avery	Fisher	Klein	Preister	Vrtiska
Bohlke	Hartnett	Kristensen	Robak	Warner
Brashear	Hilgert	Lindsay	Robinson	Wehrbein
Bromm	Hillman	Lynch	Schellpeper	Wesely
Crosby	Hudkins	Matzke	Schimek	Wickersham
Dierks	Janssen	McKenzie	Schmitt	Withem
Elmer	Jensen	Pedersen		

Present and not voting, 1:

Witek

Excused and not voting, 5:

Beutler	Coordsen	Landis	Schrock	Will

The Chambers amendment lost with 5 ayes, 38 nays, 1 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Dierks and Klein asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 952. Placed on Select File as amended.
E & R amendment to LB 952:
AM7279

1. In the Maurstad et al. amendment, AM3966, on page 2, line 22; and page 6, line 25, strike "lessor" and insert "lesser".
2. On page 1, line 1, after "13-911" insert ", 13-926, 29-211,"; and in line 3 strike "liability for" and insert "provisions relating to reimbursement for damages from" and after the semicolon insert "to require training;".

LEGISLATIVE BILL 1226. Placed on Select File as amended.
E & R amendment to LB 1226:
AM7291

1. Insert the following new section:
"Sec. 16. Section 81-15,120, Reissue Revised Statutes of Nebraska, is amended to read:
81-15,120. Any farm or residential tank or tank used for storing heating oil as defined in subdivisions ~~(7)(a) and (7)(b)~~ (8)(a) and (b) of section 81-15,119 shall be registered with the State Fire Marshal. The registration shall be accompanied by a one-time fee of five dollars and shall be valid until the State Fire Marshal is notified that a tank so registered has been permanently closed. Such registration shall specify the ownership of, location of, and substance stored in the tank to be registered. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Petroleum Products and Hazardous Substances Storage and Handling Fund which is hereby created as a cash fund. The fund shall also consist of any money appropriated to the fund by the state. The fund shall be administered by the Department of Environmental Quality to carry out the purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act, including the provision of matching funds required by Public Law 99-499 for actions otherwise authorized by the act. Any money in such fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 1, strike beginning with "petroleum" in line 1 through line 9 and insert "the environment; to amend sections 66-1524, 81-1504, 81-15,117, 81-15,119, 81-15,120, 81-15,124.01, 81-15,148 to 81-15,151, and 81-15,152 to 81-15,155, Reissue Revised Statutes of Nebraska, and sections 66-1501, 66-1509, 66-1513, 66-1514, 66-1518, 66-1519, 66-1522, 66-1523, 66-1525, and 66-1529.01, Revised Statutes Supplement, 1994; to change provisions of the Petroleum Release Remedial Action Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, and the Wastewater Treatment Facilities Construction Assistance Act; to authorize interfund transfers; to redefine terms; to change payment and reimbursement procedures and rule and regulation provisions; to create a technical advisory committee; to provide requirements for remedial actions; to authorize loans for nonpoint source control systems; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

3. In the Standing Committee amendment, AM3516:

a. On page 6, line 15, strike "a"; and in line 16 strike "person" and insert "persons";

b. On page 7, line 3, strike "18" and insert "19"; and in line 8 strike "shall";

c. On page 9, line 11, strike "18" and insert "19"; and in line 12 strike "19" and insert "20";

d. On page 13, line 21, strike "either"; and in line 22 after "before" insert ", on,";

e. On page 14, lines 10 and 15, strike the commas; and in line 10 strike the first "to" and insert "of";

f. On page 26, line 20, strike "16" and insert "17";

g. On page 31, line 20; and page 32, line 26, strike "18" and insert "19"; and

h. On page 47, line 10, after the second comma insert "81-15,120,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 634. Placed on Select File as amended.
E & R amendment to LB 634:
AM7283

1. On page 1, line 3, strike "an emission fee" and insert "provisions relating to emission fees; to provide duties; to harmonize provisions".

LEGISLATIVE BILL 1201. Placed on Select File as amended.
E & R amendment to LB 1201:
AM7288

1. On page 1, line 5, strike "section 71-3503" and insert "sections 71-3503 and 81-15,103"; and in line 7 strike "and facility operators" and insert ", facility operators, and remedial cleanup costs".

LEGISLATIVE BILL 1264. Placed on Select File as amended.
E & R amendment to LB 1264:
AM7282

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Department of Motor Vehicles shall design license plates to be known as Nebraska Cornhusker Spirit Plates. The department shall:

(1) Include the word Cornhuskers or Huskers prominently in the design;

(2) Use scarlet and cream colors in the design or such other similar colors as the department determines to best represent the official team colors of the University of Nebraska Cornhuskers athletic programs and to provide suitable reflection and contrast;

(3) Use cream or a similar color for the background of the design and scarlet or a similar color for the printing;

(4) Create a design reflecting support for the University of Nebraska Cornhuskers athletic programs in consultation with the University of Nebraska-Lincoln Athletic Department. The design shall be selected on the basis of (a) enhancing the marketability of spirit plates to supporters of University of Nebraska Cornhuskers athletic programs and (b) limiting the manufacturing cost of each spirit plate to an amount less than or equal to the amount charged for license plates pursuant to subsection (5) of section 60-311;

(5) Number the plates consecutively beginning with the number one, using numerals the size of which maximizes legibility; and

(6) Not use a county designation or any characters other than numbers on the plates.

Sec. 2. (1) Beginning on January 2, 1997, a resident of Nebraska may apply to the Department of Motor Vehicles for Nebraska Cornhusker Spirit Plates in lieu of regular license plates on an application prescribed and provided by the department for any passenger vehicle, self-propelled mobile home, cabin trailer, or commercial truck registered for ten tons gross weight or less pursuant to section 60-302. The department shall make forms available for such applications through the county treasurers or designated county officials as provided in section 60-302. The fee for the initial application for or for renewal of spirit plates shall be seventy dollars. If spirit plates are lost, stolen, or mutilated, the licensee shall be issued replacement plates pursuant to section 60-324.

(2) When the department receives an application for spirit plates, it shall deliver the plates to the county treasurer or designated county official of the county in which the vehicle is registered. The county treasurer or designated county official shall issue spirit plates in lieu of regular license plates upon payment of the required fee. The county treasurer or designated

county official shall collect the fees and remit them to the State Treasurer. The State Treasurer shall credit thirty dollars of each fee to the Department of Motor Vehicles Cash Fund and forty dollars of each fee to the Spirit Plate Proceeds Fund.

Sec. 3. (1) The Spirit Plate Proceeds Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) If the cost of manufacturing Nebraska Cornhusker Spirit Plates at any time exceeds the amount charged for license plates pursuant to subsection (5) of section 60-311, any money to be credited to the Spirit Plate Proceeds Fund shall instead be credited first to the Highway Trust Fund in an amount equal to the difference between the manufacturing costs of such spirit plates and the amount charged pursuant to subsection (5) of section 60-311 with respect to such spirit plates and the remainder shall be credited to the Spirit Plate Proceeds Fund.

(3) The first three million dollars credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated to the University of Nebraska to establish an endowment fund to provide financial support to former University of Nebraska athletes to pursue postgraduate studies at any University of Nebraska campus. Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the Board of Regents of the University of Nebraska shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships. The University of Nebraska shall grant financial support to former athletes who demonstrate financial need as determined by the Federal Pell Grant Program or similar need-based qualifications as approved by the financial aid office of the appropriate campus.

(4) The next two million dollars credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated to the University of Nebraska to establish an endowment fund to provide financial support for the academic service units of the athletic departments of the campuses of the University of Nebraska in support of academic services to athletes.

(5) Any money credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund after the first five million dollars shall be divided equally between the campuses of the state college system and the University of Nebraska for the repair, maintenance, upkeep, and improvement of athletic facilities at any campus.".

2. On page 1, line 2, strike "and"; and in line 3 after "fund" insert "; and to provide for the distribution of proceeds".

LEGISLATIVE BILL 1264A. Placed on Select File.
LEGISLATIVE BILL 108A. Placed on Select File.

LEGISLATIVE BILL 1085A. Placed on Select File.
LEGISLATIVE BILL 1373A. Placed on Select File.

LEGISLATIVE BILL 1188. Placed on Select File as amended.
E & R amendment to LB 1188:
AM7284

1. In the Matzke et al. amendment, AM4213:
a. On page 4, line 27, strike "its";
b. On page 5, line 24; and page 9, line 26, before "Declaratory" insert "Uniform";
c. On page 7, line 13, strike "buyer" and insert "purchaser"; and
d. On page 9, line 1, strike "a"; and in line 11 strike the comma.

LEGISLATIVE BILL 1188A. Placed on Select File as amended.
E & R amendment to LB 1188A:
AM7285

1. On page 1, line 3, after the semicolon insert "to provide for a transfer of funds;".
2. On page 2, lines 22 and 28, strike "Licensure and Regulation" and insert "Regulation and Licensure".

LEGISLATIVE BILL 1155A. Placed on Select File as amended.
E & R amendment to LB 1155A:
AM7286

1. On page 1, line 3, after "1996" insert "; and to provide for a transfer of funds".
2. On page 2, line 14, strike "Licensure and Regulation" and insert "Regulation and Licensure".

LEGISLATIVE BILL 1211A. Placed on Select File.

LEGISLATIVE BILL 1255. Placed on Select File as amended.
E & R amendment to LB 1255:
AM7289

1. On page 1, strike beginning with "2-1204" in line 1 through line 9 and insert "2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and section 2-1207.01, Revised Statutes Supplement, 1994; to change provisions relating to distribution of amounts deducted from wagers; to redefine a term; to change a provision relating to simulcasting; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

(Signed) David I. Maurstad, Chairperson

PROPOSED RULES CHANGE

Mr. Withem asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Rule 7, Sec. 5
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. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote be insufficient to change a result of the vote.

Referred to the Rules Committee.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 1213: (Amendment, AM4248, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Schellpeper filed the following amendment to LB 1114:
AM4264

(Amendments to E & R amendments, AM7264)

1. On page 3, line 5, after "districts" insert "and all county agricultural societies"; in lines 15 and 21 after "subdivisions" insert "and county agricultural societies"; and in line 18 after "subdivision" insert "or county agricultural society".

2. On page 6, line 7, after "made" insert "and subject to section 2 of this act".

3. On page 6, line 21; and page 7, lines 1, 6, 13, 18, and 27, after "may" insert ", subject to section 2 of this act,".

SELECT FILE

LEGISLATIVE BILL 1189. Mr. Bernard-Stevens withdrew his amendment, AM3897, found in the Journal on page 1316.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM3979, found in the Journal on page 1377, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM3979, found in the Journal on page 1377.

Mr. Bernard-Stevens renewed his pending substitute amendment, AM4054, found in the Journal on page 1530.

The Bernard-Stevens amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Warner asked unanimous consent to replace his pending amendment, AM3787, found in the Journal on page 1527, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his amendment, AM3787, found in the Journal on page 1527.

Mr. Warner renewed his pending substitute amendment, AM4138, found in the Journal on page 1561.

The Warner amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

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

Mmes. Brown, Hillman, Messrs. Maurstad, Engel, Schrock, Brashear, Wehrbein, and Lynch renewed their pending amendment, AM4048, found in the Journal on page 1530.

SPEAKER WITHEM PRESIDING

Mr. Wickersham 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 21 ayes, 4 nays, and 24 not voting.

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Brown requested a roll call vote, in reverse order, on the Brown et al. amendment.

Voting in the affirmative, 19:

Brashear	Fisher	Janssen	Robinson	Vrtiska
Brown	Hartnett	Lynch	Schellpeper	Warner
Elmer	Hilgert	Matzke	Schmitt	Wehrbein
Engel	Hillman	Maurstad	Schrock	

Voting in the negative, 13:

Avery	Bromm	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Crosby	Jones	Pirsch	Witek
	Cudaback	Kristensen	Schimek	

Present and not voting, 9:

Bohlke	Jensen	McKenzie	Robak	Withem
Chambers	Lindsay	Preister	Wesely	

Excused and not voting, 8:

Abboud	Coordsen	Klein	Wickersham	Will
Beutler	Dierks	Landis		

The Brown et al. amendment lost with 19 ayes, 13 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Bernard-Stevens withdrew his amendment, AM4075, found in the Journal on page 1530.

Mr. Pedersen renewed his pending amendment, AM4084, found in the Journal on page 1547.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Witek requested a record vote on the Pedersen amendment.

Voting in the affirmative, 12:

Abboud	Cudaback	Matzke	Robak	Schmitt
Bromm	Hudkins	Pedersen	Robinson	Vrtiska
Chambers	Lynch			

Voting in the negative, 21:

Bernard-Stevens	Crosby	Hillman	Preister	Warner
Bohlke	Engel	Janssen	Schellpeper	Wehrbein
Brashear	Fisher	Jensen	Schimek	Witek
Brown	Hartnett	Lindsay	Stuhr	Withem
	Hilgert			

Present and not voting, 9:

Avery	Jones	Maurstad	Schrock	Wickersham
Elmer	Kristensen	Pirsch	Wesely	

Excused and not voting, 7:

Beutler	Dierks	Landis	McKenzie	Will
Coordsen	Klein			

The Pedersen amendment lost with 12 ayes, 21 nays, 9 present and not voting, and 7 excused and not voting.

Pending.

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

RESOLUTION

LEGISLATIVE RESOLUTION 463. Introduced by Crosby, 29.

WHEREAS, the Center for Great Plains Studies was chartered in 1976 by the Board of Regents of the University of Nebraska to foster the study of human development and the environment in the region of the Great Plains; and

WHEREAS, the Center for Great Plains Studies provides Nebraska's citizens with the opportunity to learn more about the culture and environment of this unique region of the United States; and

WHEREAS, the Center for Great Plains Studies is working to define the region of the Great Plains through projects such as the Encyclopedia of the Great Plains that will provide a lasting resource on the history, geography, and culture of the Great Plains; and

WHEREAS, the Center for Great Plains Studies is celebrating its twentieth anniversary as an interdisciplinary regional teaching and research center.

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

1. That the Legislature recognizes the significance of the unique cultural, social, and economic contributions of the region of the Great Plains to American society.

2. That the Legislature applauds the contributions of the Center for Great Plains Studies in expanding our understanding of the region of the Great Plains through creative scholarship in diverse fields.

3. That a copy of this resolution be presented to the Center for Great Plains Studies of the University of Nebraska-Lincoln.

Laid over.

AMENDMENTS - Print in Journal

Mrs. Bohlke and Mr. Preister filed the following amendment to LB 634:
AM4238

(Amendments to Standing Committee amendments, AM3677)

1. 1. On page 2, line 10, after "fee" insert "from each major source".

2. On page 4, line 24, after the period insert "The department shall include in the report (a) an estimate of the amount of emissions that have been reduced since the emission fee was established in Nebraska and (b) a discussion of options for incentives to reduce emissions.".

Messrs. Vrtiska and Hilgert filed the following amendment to LB 1189:
AM4173

(Amendments to E & R amendments, AM7254)

1. Insert the following new sections:

"Sec. 57. Section 81-1288, Revised Statutes Supplement, 1995, is amended to read:

81-1288. Sections 81-1288 to 81-1294 and section 59 of this act shall be known and may be cited as the Partnerships for Economic Development Act.

Sec. 58. Section 81-1289, Revised Statutes Supplement, 1995, is amended to read:

81-1289. The Legislature finds that there is a need to:

(1) Stimulate local economic development efforts statewide;

(2) Build an environment to engage in more effective economic development;

(3) Encourage entrepreneurship and business expansion;

(4) Create employment and employment opportunities; ~~and~~

(5) Help create and develop local conditions to encourage and enable people to remain in communities and to provide a labor pool of properly trained and educated employees;

(6) Encourage microbusiness entrepreneurship;

(7) Create employment and employment opportunities in low-income urban areas;

(8) Build an environment conducive to business development and growth; and

(9) Encourage the development of agricultural cooperatives, alliances, and networks which can aid in the marketing of Nebraska's agricultural products.

Sec. 59. (1) The Department of Economic Development shall establish the Microenterprise Partnership Program which will provide grants of up to twenty-five thousand dollars to microbusiness development programs for the purposes specified in section 81-1289 and subject to the requirements of the Partnerships for Economic Development Act.

(2) The department shall establish the Nebraska Cooperative Initiative which will provide grants of up to twenty-five thousand dollars to agricultural cooperatives, alliances, and networks for the purposes specified in section 81-1289 and subject to the requirements of the Partnerships for Economic Development Act.".

2. On page 134, line 23, strike "90-511" and insert "81-1288, 81-1289, 90-511,".

3. Renumber the remaining sections accordingly.

Mr. Warner filed the following amendment to LB 1189:
AM4257

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 22. AGENCY NO. 16 -- DEPARTMENT OF REVENUE
Program No. 102 - Revenue Administration

	FY1995-96	FY1996-97
CASH FUND	15,000	-0-
PROGRAM TOTAL	15,000	-0-

It is the intent of the Legislature that the Department of Revenue shall audit or contract for an audit of the distribution by the State Treasurer of motor fuel tax receipts and other receipts deposited into the Highway Trust Fund. It is also the intent of the Legislature that the State Treasurer provide access to all records and information necessary for such audit.

There is included in the amount shown $15,000 for such audit. The unexpended cash fund balance existing on June 30, 1996, is hereby reappropriated.".

2. On page 125, after line 5 insert the following new subdivision:

"(j) From the Highway Trust Fund (6124) to the Motor Fuels Refund Administration Cash Fund (2162): $15,000;"; in line 6 strike "(j)" and insert "(k)"; in line 9 strike "(k)" and insert "(l)"; in line 11 strike "(l)" and insert "(m)"; in line 13 strike "(m)" and insert "(n)"; in line 15 strike "(n)" and insert "(o)"; in line 18 strike "(o)" and insert "(p)"; in line 21 strike "(p)" and insert "(q)"; and in line 24 strike "(q)" and insert "(r)".

3. On page 126, line 1, strike "(r)" and insert "(s)"; and in line 4 strike "(s)" and insert "(t)".

4. Renumber the remaining sections accordingly.

Mrs. McKenzie filed the following amendment to LB 1189:
AM4260

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 51. AGENCY NO. 72 -- DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 603 - Development and Training

	FY1995-96	FY1996-97
GENERAL FUND	-0-	360,000
PROGRAM TOTAL	-0-	360,000
SALARY LIMIT	-0-	30,466

There is included in the appropriation to this program for FY1996-97 $360,000 General Funds which shall be used for the Work Nebraska Program, which is intended to support local and business labor recruitment efforts in Nebraska. The Department of Economic Development shall establish a separate subprogram in the Nebraska Accounting System to record FY1996-97 expenditures for the Work Nebraska Program.".

2. Renumber the remaining sections accordingly.

Mr. Wehrbein filed the following amendment to LB 1189:
AM4235

(Amendments to E & R amendments, AM7254)

1. Insert the following new sections:

"Sec. 8.

TRANSFERS.

The Policy Cabinet created under the Nebraska Partnership for Health and Human Services Act shall report to the Accounting Administrator all fund balances remaining on December 31, 1996, from all Cash, Federal, Revolving, Trust, and Distributive Funds for Agency 20, Department of Health; Agency 25, Department of Public Institutions; Agency 26, Department of Social Services; Agency 46, Program 250, Juvenile Services Operations; and Agency 71, Department of Aging, and their proper distribution to the appropriate funds in Agency 20, Department of Health and Human Services Regulation and Licensure; Agency 25, Department of Health and Human Services; and Agency 26, Department of Health and Human Services Finance and Support. The Accounting Administrator shall certify to the State Treasurer the transfers of fund balances necessary to implement Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, and Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996. The State Treasurer shall make the transfers certified by the Accounting Administrator.

Sec. 61. Laws 1995, LB 391, section 11, is amended to read:

Sec. 11. AGENCY NO. 25 -- DEPARTMENT OF PUBLIC INSTITUTIONS

Program No. 912 - Beatrice State Developmental Center Cottage Renovation

	FY1995-96	FY1996-97	FUTURE
STATE BUILDING FUND	360,000	360,000	-0-
PROGRAM TOTAL	360,000	360,000	-0-

The Department of Public Institutions is hereby authorized to renovate four cottages at the Beatrice State Developmental Center.

The unexpended State Building Fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 25, Department of Health and Human Services, Program 912, Beatrice State Developmental Center, for FY1996-97.".

2. On page 8, after line 2, insert the following:

"The unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby appropriated to Agency 26, Department of Health and Human Services Finance and Support, Program 175, Medical Student Loans, for FY1996-97.".

3. On page 55, line 1, strike "17,181,064" and insert "16,349,490"; in line 4 strike "123,971" and insert "96,262"; in line 6 strike "17,556,439" and insert "16,697,156"; and in line 8 strike "10,377,077" and insert "9,634,904".

4. On page 111, line 25, after "(14)" insert "(a) Until January 1, 1997,"; and after line 27 insert:

"(b) On and after January 1, 1997, Department of Health and Human Services Regulation and Licensure: Department of Health and Human Services Regulation and Licensure Cash Fund, Department of Health and Human Services Regulation and Licensure Reimbursement Fund, Bureau of Examining Boards' Cash Fund;".

5. On page 112, line 14, after "(19)" insert "(a) Until January 1, 1997,"; after line 17 insert:

"(b) On and after January 1, 1997, Department of Health and Human Services: Department of Health and Human Services Cash Fund, Veterans' Home Building Fund, Institutional Cash Fund for the Nebraska Veterans' Homes, Small Business Enterprises Cash Fund, School District Reimbursement Fund, Compulsive Gamblers Assistance Fund;"; in line 18 after "(20)" insert "(a) Until January 1, 1997,"; and after line 22 insert "(b) On and after January 1, 1997, Department of Health and Human Services Finance and Support: Department of Health and Human Services Finance and Support Cash Fund, Nebraska Center for Children and Youth Cash Fund, Childhood Care Cash Fund, Nebraska Child Abuse Prevention Fund;".

6. On page 116, line 24, after "(60)" insert "Until January 1, 1997,".

7. On page 134, line 25, after "sections" insert "11,".

8. Renumber the remaining sections accordingly.

Mr. Lindsay filed the following amendment to LB 1189:
AM4206

(Amendments to E & R amendments, AM7254)

1. Insert the following new section:

"Sec. 93. That Laws 1995, LB 392, section 108, be amended to read as follows:

Sec. 108. AGENCY NO. 27 -- DEPARTMENT OF ROADS

Total expenditures by the Department of Roads for permanent and temporary salaries and per diems shall not exceed $69,256,853 for FY1995-96. Total expenditures by the Department of Roads for permanent and temporary salaries and per diems shall not exceed ~~$69,559,509~~ $68,971,423 for FY1996-97.

There is hereby appropriated for FY1995-96 $275,882,211 from the Highway Cash Fund to the Roads Operations Cash Fund, which fund is hereby appropriated. There is included in the amount appropriated from the Highway Cash Fund to the Roads Operations Cash Fund $1,000,000 for assistance to the local transit authorities program. There is hereby appropriated for FY1996-97 $278,298,319 from the Highway Cash Fund to the Roads Operations Cash Fund, which fund is hereby appropriated. There is included in the amount appropriated from the Highway Cash Fund to the Roads Operations Cash Fund $1,000,000 for assistance to the local transit authorities program.".

2. On page 4, after line 27 insert: "REVOLVING FUND -0- 792,842".

3. On page 5, line 1, strike "-0-" and insert "792,842"; in line 2 strike the second "-0-" and insert "588,086"; and after line 2 insert:

"It is the intent of the Legislature that all costs associated with the legal division of the Department of Roads be paid through this budget program and Revolving Fund appropriation beginning in FY1996-97.".

4. On page 134, line 27, after "106," insert "108,".

5. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 1114:
AM4273

(Amendments to E & R amendments, AM7264)

1. Strike section 54 and insert the following new sections:

"Sec. 55. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be five and one-half percent. The revenue raised by the additional one-half percent levied on sales, other than motor vehicle, trailer, or semitrailer sales, by the changes made to this section by this legislative bill shall be dedicated for school aid purposes.

Sec. 56. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall (a) credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers and (b) credit to the Tax Equity and Educational Opportunities Fund all of the proceeds of the sales and use taxes derived from the additional one-half percent levied by the changes made to section 77-2701.02 by this legislative bill other than proceeds derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 64. Original sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 71, line 12, after the period insert "Sections 55, 56, and 64 of this act become operative on October 1, 1996.".

3. Renumber the remaining sections and correct internal references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 515, 575, 754, 754A, 1055, 1273, 1273A, 1276, 1304, and 1321.

Enrollment and Review Change to LB 515

The following changes, required to be reported for publication in the Journal, have been made:
ER9154

1. In the Landis amendment, AM3994:

a. On page 1, line 16, "7" has been struck and "6" inserted; and in line 24 "the original sections" has been struck and "original sections 1 to 6" inserted; and

b. Sections 8 and 10 to 12 have been renumbered as sections 7 and 9 to 11, respectively.

2. In the E & R amendments, AM7247, amendments 2 and 3 have been struck.

3. On page 1, the matter beginning with "authorize" in line 1 through line 5 has been struck and "amend section 44-5133, Reissue Revised Statutes of Nebraska; to authorize associations to purchase insurance; to change provisions relating to insurer investments; to provide a penalty; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original section; and to declare an emergency." inserted.

Enrollment and Review Change to LB 754

The following changes, required to be reported for publication in the Journal, have been made:
ER9163

1. In the E & R amendments, AM7202, on page 3, line 15, "79-1247.05" has been struck and "438, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" inserted.

Enrollment and Review Change to LB 1055

The following changes, required to be reported for publication in the Journal, have been made:
ER9158

1. The Beutler amendment, AM3350, has been incorporated into the E & R amendments, AM7213, on page 4, lines 24 and 26.

2. In the Beutler amendment, AM3350, on page 1, line 3, "Nebraska Law Enforcement Training Center" has been struck and "training center" inserted.

3. In the Lindsay-Wesely amendment, AM3733:

a. Sections 20 and 21 have been renumbered as sections 16 and 17, respectively;

b. In lieu of amendments 2 and 3 of AM3733, in the E & R amendments, AM7213:

i. On page 1, line 6, "3 to 5" has been struck and "13 to 15" inserted; and

ii. On page 5, line 9, "and 81-1414" has been struck and ", 81-1414, 83-109, and 83-1068" inserted; and in line 10 "and sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994," has been inserted after the comma;

c. On page 1, line 10, an underscored comma has been inserted after "Institutions" and the first "of" has been struck and "after" inserted; and

d. On page 8, line 9, "to" has been inserted before "the".

4. On page 1, the matter beginning with "law" in line 1 through line 6 and all amendments thereto have been struck and "firearms; to amend sections 81-1401, 81-1414, 83-109, and 83-1068, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2405, 69-2408

to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994; to provide for information relating to mental health to be furnished to the Nebraska State Patrol for purposes of handgun purchases; to provide for immunity; to provide a penalty; to define and redefine terms; to require law enforcement officers to maintain proficiency in firearm operation; to provide powers and duties for the Nebraska Law Enforcement Training Center and law enforcement agencies; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1273

The following changes, required to be reported for publication in the Journal, have been made:
ER9162

1. In the Wickersham amendment, AM3709, on page 1, line 3, "statewide public retirement" has been inserted before "system".

2. On page 4, line 23; page 7, lines 15, 19, and 24; and page 8, line 7, "statewide public" has been inserted before "retirement".

Enrollment and Review Change to LB 1276

The following changes, required to be reported for publication in the Journal, have been made:
ER9152

1. Because of the adoption of the Beutler-Maurstad amendment, FA581:

a. Sections 8 to 13 have been renumbered as sections 7 to 12, respectively; and

b. On page 6, line 10, "11" has been struck and "10" inserted.

Enrollment and Review Change to LB 1304

The following changes, required to be reported for publication in the Journal, have been made:
ER9153

1. In the Witek amendment, FA582, on page 1, both occurrences of "herein" have been struck and "in this section" inserted.

2. In the Robinson amendment, AM3906, sections 3 and 4 have been renumbered as sections 4 and 5, respectively.

3. On page 1, line 1, "plumbing" has been struck and "building" inserted; in line 2 "section" has been struck and "sections" inserted and "71-6403, and 71-6405," has been inserted after the second comma; and in line 4 "a uniform" has been struck and "city, village, and county plumbing codes and the state building" inserted.

Enrollment and Review Change to LB 1321

The following changes, required to be reported for publication in the Journal, have been made:
ER9156

1. In the Hartnett amendment, AM4082:

a. Section 3 has been renumbered as section 6; and

b. On page 1, line 3, "and" has been struck; and in line 4 "31-715, and 31-717 to" has been inserted after "to".

2. On page 1, lines 2 through 4 have been struck and "sections 31-755, 77-1858, 77-1901, and 77-1902, Reissue Revised Statutes of Nebraska; to change provisions relating to warrants and liens on real estate for special assessments; to eliminate provisions relating to certain sanitary and improvement districts; to repeal the original sections; and to outright repeal sections 31-701 to 31-704, 31-705.01, 31-706, 31-708 to 31-710, 31-711.01 to 31-715, and 31-717 to 31-726, Reissue Revised Statutes of Nebraska, section 31-726.01, Revised Statutes Supplement, 1994, and sections 31-705, 31-707, and 31-711, Revised Statutes Supplement, 1995." inserted.

3. On page 6, line 8, "section" has been struck and "sections" inserted.

(Signed) David I. Maurstad, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1190. The pending Standing Committee amendment, AM3412, printed separately and referred to on page 1092 and considered on page 1380, was renewed.

Mr. Bromm withdrew his amendment, FA594, found in the Journal on page 1599.

Mr. Wehrbein withdrew his amendment, FA595, found in the Journal on page 1599.

Mr. Lynch withdrew his amendments, AM4197 and AM4176, found in the Journal on page 1653.

Mr. Lynch renewed his pending amendment, AM4182, found in the Journal on page 1654, to the Standing Committee amendment.

Mr. Lynch withdrew his amendment.

Messrs. Wehrbein, Lindsay, Wickersham, Bromm, and Mrs. Witek renewed their pending amendment, AM4192, found in the Journal on page 1662, to the Standing Committee amendment.

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

The Wehrbein et al. amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 14 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.

LEGISLATIVE BILL 1190A. Title read. Considered.

Mr. Lynch renewed his pending amendment, AM4218, found in the Journal on page 1671.

Mr. Lynch withdrew his amendment.

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

Advanced to E & R for review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 29. Title read. Considered.

Mr. Warner renewed his pending amendment, AM2919, found in the Journal on page 666.

Mr. Warner renewed his pending amendment, AM3782, found in the Journal on page 1267, to his pending amendment.

The Warner amendment was adopted with 25 ayes, 1 nay, 16 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.

The Warner amendment, AM2919, as amended, was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Mr. Lindsay renewed his pending amendment, AM3820, found in the Journal on page 1383.

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

Mr. Lindsay moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Lindsay requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Abboud	Dierks	Kristensen	Preister	Stuhr
Bernard-Stevens	Hartnett	Lindsay	Robinson	Wickersham
Crosby	Hilgert	Lynch	Schimek	Witek
	Janssen	Matzke	Schrock	Withem

Voting in the negative, 9:

Avery	Cudaback	Fisher	Schmitt	Wehrbein
Brashear	Elmer	Maurstad	Warner	

Present and not voting, 13:

Beutler	Chambers	Hillman	Jones	Schellpeper
Bromm	Coordsen	Hudkins	Pirsch	Vrtiska
Brown	Engel	Jensen		

Excused and not voting, 8:

Bohlke	Landis	Pedersen	Wesely	Will
Klein	McKenzie	Robak		

The Lindsay amendment lost with 19 ayes, 9 nays, 13 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 34 ayes, 1 nay, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 29A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Lynch filed the following amendment to LB 1190A:
AM4227
1. Strike section 3.

2. On page 2, line 1, strike "(1)"; strike beginning with "and" in line 3 through "FY1997-98" in line 4; strike beginning with "The" in line 10 through line 12; and in line 15 strike "or $344,144 for FY1997-98".

3. On page 3, strike lines 19 through 28.

4. On page 4, strike lines 1 through 18.

5. On page 5, line 7, strike "section 3 of this act" and insert "subdivision (2) of this section"; and strike beginning with "Transfers" in line 8 through "(3)" in line 13.

6. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 299:
AM4278

(Amendments to E & R amendments, AM7265)

1. Insert the following new section:

"Sec. 7. The Task Force on Unfunded Mandates is created. The task force shall consist of:

(1) The chairperson of the Executive Board of the Legislative Council;

(2) The chairperson of the Education Committee of the Legislature;

(3) The chairperson of the Revenue Committee of the Legislature;

(4) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(5) The chairperson of the Health and Human Services Committee of the Legislature;

(6) The chairperson of the Urban Affairs Committee of the Legislature; and

(7) Five representatives of political subdivisions selected by the members listed in subdivision (1) through (6) of this section, to include one representative of municipalities, one representative of counties, and three representatives of the education community.

The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The task force shall identify and review all programs and services enacted by the Legislature which resulted or may result in an increase in expenditures of funds by the political subdivisions assigned to perform or provide the programs and services. The task force shall provide a written report to the members of the Legislature by December 1, 1996, which may include recommendations for any changes to state law which may either modify or repeal all identified programs and services with the intent of reducing the fiscal impact of the programs and services on the political subdivision or eliminating the programs and services entirely. The task force shall seek recommendations and proposals from groups and individuals.

The Legislature requests each standing committee of the Legislature to undertake an interim study during 1996 to identify unfunded mandates and to recommend, if desirable, the modification or repeal of unfunded mandates impacting the subject matter jurisdiction of the committee. Each standing committee that undertakes such a study shall report its findings to the Task Force on Unfunded Mandates on or before November 1, 1996, and the task force shall consider the findings in making its recommendations.

The task force terminates on December 31, 1996.".

2. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 1368:
AM4276

1. Insert the following new sections:

"Section 1. Section 77-4104, Revised Statutes Supplement, 1994, is amended to read:

77-4104. (1) In order to utilize the incentives set forth in the Employment and Investment Growth Act, the taxpayer shall file an application for an agreement with the Tax Commissioner.

(2) The application shall contain:

(a) A written statement describing the plan of employment and investment for a qualified business in this state;

(b) Sufficient documents, plans, and specifications as required by the Tax Commissioner to support the plan and to define a project;

(c) If more than one location within this state is involved, sufficient documentation to show that the employment and investment at different locations are interdependent parts of the plan. A headquarters shall be presumed to be interdependent with any other location directly controlled by such headquarters. A showing that the parts of the plan would be considered parts of a unitary business for corporate income tax purposes shall not be sufficient to show interdependence for the purposes of this subdivision; and

(d) A nonrefundable application fee of five hundred dollars. The fee shall be deposited into the Employment and Investment Growth Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

The application and all supporting information shall be confidential except for the information required to be reported by section 77-4110.

(3) Once satisfied that the plan in the application defines a project consistent with the purposes stated in section 77-4102 in one or more qualified business activities within this state, that the plans will result in either (a) the investment in qualified property of at least three million dollars and the hiring

of at least thirty new employees or (b) the investment in qualified property resulting in a net gain in the total value of tangible property in this state of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986 of at least twenty million dollars, and that the required levels of employment and investment for the project will be met prior to the end of the sixth year after the year in which the application was submitted, the Tax Commissioner shall approve the application. For purposes of determining the number of new employees, only new employees receiving health care benefits and minimum wages of twenty thousand dollars per year, not including the costs of the health care benefits, shall be counted. In determining the net gain in value for purposes of this subsection, all tangible personal property shall be valued in a manner consistent with the value determined for qualified property, and the total value on the last day of each year shall be compared with the total value on the last day of the base year.

(4) After approval, the taxpayer and the Tax Commissioner shall enter into a written agreement. The taxpayer shall agree to complete the project, and the Tax Commissioner, on behalf of the State of Nebraska, shall designate the approved plans of the taxpayer as a project and, in consideration of the taxpayer's agreement, agree to allow the taxpayer to use the incentives contained in the Employment and Investment Growth Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The levels of employment and investment required by the act for the project;

(b) The time period under the act in which the required levels must be met;

(c) The documentation the taxpayer will need to supply when claiming an incentive under the act; and

(d) The date the application was filed.

(5) The incentives contained in section 77-4105 shall be in lieu of the tax credits allowed by section 77-27,188 for any project. In computing credits under section 77-27,188, any investment or employment which is eligible for benefits under the Employment and Investment Growth Act shall be subtracted from the increases computed for determining the credits under section 77-27,188.

(6) A taxpayer and the Tax Commissioner may enter into agreements for more than one project and may include more than one project in a single agreement. The projects may be either sequential or concurrent. A project may involve the same location as another project. No new employment or new investment shall be included in more than one project for either the meeting of the employment or investment requirements or the creation of credits. When projects overlap and the plans do not clearly specify, then

the taxpayer shall specify in which project the employment and investment belongs.

Sec. 6. Section 77-4928, Revised Statutes Supplement, 1995, is amended to read:

77-4928. (1) In order for the employee and company to be eligible for the wage benefit credit, the company shall file an application for an agreement with the board.

(2) The application shall contain:

(a) The exact name of the company and any related companies which will be included in the project;

(b) A statement describing, in detail, the nature of the company's business, including the products sold and respective markets;

(c) A detailed narrative that describes the proposed project, including how the company intends to attain and maintain the job and investment requirements;

(d) A request that the company be considered for approval under the Quality Jobs Act;

(e) If more than one location within this state is to be involved in the project, sufficient documentation to show that the employment and investment at the different locations are interdependent parts of the project plan;

(f) A copy of the corporate authorization for the project;

(g) A copy of the company's most recent financial report, federal income tax return, Nebraska income tax return, Nebraska reconciliation of income tax withheld, and Nebraska sales and use tax identification number;

(h) The number of base-year employees, the expected number of new employees, the expected timing of the hiring of the new employees, the anticipated timing and amounts of new investment in buildings and equipment, and the average salaries expected by category for the new employees to be employed at the project; and

(i) A five-thousand-dollar nonrefundable application fee payable to the Department of Revenue. The fee shall be remitted to the Quality Jobs Fund, which fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The application and all supporting information shall be confidential except for the name of the company, the location of the project, the amounts of increased employment and investment, the result of the net benefit calculations, and whether the application has been approved.

(4) The board shall determine whether to approve the company's application by majority vote based on its determination as to whether the project will sufficiently help enable the state to accomplish the purposes of the Quality Jobs Act. The board shall be governed by and shall take into consideration all of the

following factors in making its determination:

(a) The timing, number, wage levels, employee benefit package, and types of new jobs to be created by the project;

(b) The type of industry in which the company and the project would be engaged;

(c) The timing, amount, and types of investment in qualified property to be made at the project; and

(d) Whether the board believes the project would occur in this state regardless of whether the application was approved.

(5) The board shall notify the company in writing as to whether it has approved or not approved the application. The board shall decide and mail such notice within thirty days after receipt of the application whether it approves or disapproves the application, unless such time is extended by mutual written consent of the board and the company.

(6) A project shall be considered eligible under the act and may be approved by the board only if the application defines a project consistent with the legislative purposes contained in section 77-4902 in one or more qualified business activities within this state that will result in (a) the investment in qualified property of at least fifty million dollars and the hiring of a number of new employees of at least five hundred or (b) the investment in qualified property of at least one hundred million dollars and the hiring of a number of new employees of at least two hundred fifty. The new investment and employment shall occur within five years, meaning by the end of the fourth year after the end of the year the application was filed, and shall be maintained for the entire entitlement period. For purposes of determining the number of new employees for the wage benefit credit under section 77-4927, only new employees receiving minimum wages of twenty thousand dollars per year, not including the costs of health care benefits, shall be counted. For purposes of determining the number of new employees for the wage benefit credit under section 4 of this act or section 77-4927, only new employees receiving health care benefits shall be counted. These thresholds shall constitute the required levels of employment and investment for purposes of the act.

(7) If the project application is approved by the board, the company and the state shall enter into a written agreement, which shall be executed on behalf of the state by the Tax Commissioner. In the agreement the company shall agree to complete the project and the state shall designate the approved plans of the company as a project and, in consideration of the company's agreement, agree to allow the wage benefit credit as provided for in the act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall contain such terms and conditions as the board shall specify in order to carry out the legislative purposes of the act. The agreement shall contain provisions to allow the

Department of Revenue to verify that the required levels of employment have been attained and maintained.

(8) The address of the board shall be the address of the Department of Revenue.".

2. On page 4, line 21, strike "and 77-4925" and insert "77-4925, and 77-4928"; in line 27 after "original" insert "section 77-4104, Revised Statutes Supplement, 1994, and" and strike "and 77-4925" and insert "77-4925, and 77-4928".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Abboud filed the following amendment to LB 1050:
AM4233

(Amendments to Final Reading copy)

1. On page 29, line 11, strike "1996-97" and insert "1997-98".

2. On page 32, line 2, strike "1996-97" and insert "1997-98"; and in line 4 after the comma insert "(a) for school year 1997-98 an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school fiscal year 1994-95 and (b) for school year 1998-99 and each school year thereafter".

Mr. Abboud filed the following amendment to LB 1050:
AM4234

(Amendments to Final Reading copy)

1. On page 29, line 11; and page 32, line 2, strike "1996-97" and insert "1997-98".

Messrs. Wickersham, Beutler, and Kristensen filed the following amendment to LB 1296:
AM4271

1. Insert the following new sections:

"Section 1. Section 24-312, Reissue Revised Statutes of Nebraska, is amended to read:

24-312. The district judges may interchange and hold each other's court. Whenever it shall appear by affidavit, to the satisfaction of any district judge in the state, that the judge of any other district is unable to act, on account of sickness, interest, or absence from the district or from any other cause, the judge to whom application may be made shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter arising within the district where such vacancy or disability exists which the judge of such district court could make or do. The order or act shall have the same effect as if made or done by the judge of such district.

A district judge may appoint by order a consenting county judge residing in the district to act as a district judge in specific instances on any matter over which the district court has

determined that it has jurisdiction over the parties and subject matter, except appeals from the county court. The appointed county judge shall have power to make any order or do any act relative to any suit, judicial matter, or proceeding or to any special matter which the district judge of such district could make or do if (1) all parties have consented to the appointment or (2) no party has objected to the appointment within ten days after service of the order of appointment upon him or her, except that in any matter arising under Chapter 42, consent shall not be required and a party shall not have the right to object to the appointment of a county judge to act as a district judge. Any ~~such~~ order or act by the county judge after appointment shall have the same effect as if made or done by the district judge of such district. A copy of the order of appointment shall be filed in each action in which a county judge acts as a district judge.

Sec. 28. Sections 1, 28, and 29 of this act become operative on their effective date. The other sections of this act become operative on October 1, 1997.

Sec. 29. Original section 24-312, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1059. Considered.

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

Mr. Wehrbein renewed his pending amendment, FA576, found in the Journal on page 1508.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Hilgert renewed his pending amendment, FA580, found in the Journal on page 1509.

The Hilgert amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Wesely offered the following amendment:
AM4263

1. Strike original sections 3 to 22, 38, and 40 to 51.

2. On page 42, line 24, strike "68-135" through the fifth comma; and in line 27 strike "83-376, 83-380,".

3. On page 43, line 1, before "sections" insert "and" and strike "68-151, 68-156,"; and strike beginning with the third comma in line 2 through "1995" in line 3.

4. Renumber the remaining sections and correct the repealer accordingly.

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

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

Messrs. Chambers, Beutler, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Wesely amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Wesely moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Wesely requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Avery	Coordsen	Lynch	Schellpeper	Wehrbein
Beutler	Elmer	Matzke	Schimek	Wesely
Bohlke	Hilgert	Maurstad	Schmitt	Wickersham
Brashear	Janssen	Pedersen	Vrtiska	Witek
Bromm	Lindsay	Pirsch	Warner	Withem

Voting in the negative, 13:

Abboud	Brown	Fisher	Klein	Robinson
Bernard-Stevens	Crosby	Hudkins	Kristensen	Schrock
	Engel	Jones	Robak	

Present and not voting, 4:

Cudaback	Dierks	Hillman	Preister

Excused and not voting, 7:

Chambers	Jensen	McKenzie	Stuhr	Will
Hartnett	Landis			

Advanced to E & R for review with 25 ayes, 13 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 1189. Mr. Wehrbein asked unanimous consent to replace his pending amendment, AM4132, found in the Journal on page 1549, with a substitute amendment. No objections. So ordered.

Mr. Wehrbein withdrew his amendment, AM4132, found in the Journal on page 1549.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein renewed his pending substitute amendment, AM4235, found in this day's Journal.

The Wehrbein amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Ms. Schimek renewed her pending amendment, AM4083, found in the Journal on page 1550.

Mrs. Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

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

Mr. Coordsen renewed the Coordsen et al. pending amendment, AM4114, found in the Journal on page 1561.

Mrs. Robak and Mr. Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WESELY PRESIDING

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. Coordsen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Bernard-Stevens requested a roll call vote on the Coordsen et al. amendment.

Voting in the affirmative, 32:

Avery	Crosby	Klein	Pirsch	Warner
Beutler	Dierks	Kristensen	Preister	Wehrbein
Bohlke	Elmer	Lindsay	Robinson	Wesely
Brashear	Engel	Matzke	Schellpeper	Wickersham
Bromm	Hillman	Maurstad	Schimek	Witek
Brown	Janssen	McKenzie	Schrock	Withem
Coordsen	Jensen			

Voting in the negative, 7:

Cudaback	Jones	Pedersen	Schmitt	Vrtiska
Hilgert	Lynch			

Present and not voting, 1:

Bernard-Stevens

Excused and not voting, 9:

Abboud	Fisher	Hudkins	Robak	Will
Chambers	Hartnett	Landis	Stuhr	

The Coordsen et al. amendment was adopted with 32 ayes, 7 nays, 1 present and not voting, and 9 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Messrs. Maurstad and Landis filed the following amendment to LB 299:
AM4225

(Amendments to E & R amendments, AM7265)

1. Insert the following new sections:

"Sec. 7. Section 2-206, Reissue Revised Statutes of Nebraska, is amended to read:

2-206. It shall be the duty of each county society to publish annually ~~a list of the awards, and~~ an abstract of the treasurer's account, in such manner as the society may direct, ~~and~~ to make a report of its proceedings during the year, ~~and a synopsis of the awards for the improvements in agriculture and manufactures together with an abstract of the several descriptions of these~~

~~improvements;~~ and also to make a report of the condition of agriculture in that county, which report shall be made out in accordance with the rules and regulations of the State Board of Agriculture and shall be forwarded to the state board at its annual meeting.

Sec. 8. Section 2-2431, Reissue Revised Statutes of Nebraska, is amended to read:

2-2431. The Department of Agriculture shall examine the petition and if it finds that ~~the same~~ it bears the requisite number of signatures and otherwise meets the requirements of sections 2-2428 to 2-2449~~,~~ it shall fix a time and place for hearing upon such petition and cause notice thereof to be given to all persons having any interest in the organization of the proposed district by publication once in each of the counties lying wholly or partly within the proposed district ~~once each week for two consecutive weeks~~ in a legal newspaper or newspapers of general circulation in such counties. Such notice shall state (1) the fact of filing of the petition; (2) in summary form, the information required by subsection (1) of section 2-2430 to be included in the petition; (3) the purpose of the formation of such proposed district; (4) the time and place of hearing such petition; and (5) the purpose of such hearing. Such hearing shall be held at such time and place as designated by the department, not less than twenty days nor more than forty days after the filing of the petition.

Sec. 12. Section 16-802, Reissue Revised Statutes of Nebraska, is amended to read:

16-802. Any city of the first class in Nebraska is hereby authorized to own, purchase, construct, equip, lease, or operate within such city offstreet motor vehicle parking facilities for the use of the general public. The grant of power herein does not include the power to engage, directly or indirectly, in the sale of gasoline, oil, or other merchandise or in the furnishing of any service other than that of parking motor vehicles as provided herein. Any such city shall have the authority to acquire by grant, contract, or purchase~~,~~ or through the condemnation of property, as provided by law for such acquisition, all real or personal property, including a site or sites on which to construct ~~said~~ the facilities~~,~~ necessary or convenient in the carrying out of this grant of power. Before ~~; PROVIDED, that before~~ any such city may commence a program to construct, purchase, or acquire by other means a proposed offstreet parking facility or facilities, notice shall be given, by publication once each week for not less than ~~thirty days~~ three weeks, inviting application for private ownership and operation of offstreet parking facilities. If no application or applications have been received or, if received, the same have been disapproved by the governing body of such city within ninety days from the first date of publication, then such city may proceed in the exercise of the powers herein granted.

Sec. 13. Section 17-939, Reissue Revised Statutes of Nebraska, is amended to read:

17-939. The mayor and council of any such city of the second class or the board of trustees of any such village are hereby authorized to issue bonds in a sum not exceeding ten thousand dollars for the purpose of acquiring title by purchase or by virtue of eminent domain to land now used for cemetery purposes and that may be hereafter acquired for any necessary addition to any existing cemetery. No ~~; PROVIDED, no~~ such bonds shall be issued until the question of issuing the same shall be submitted to the electors of any such city or village at a general election thereof, or at a special election called for the purpose of submitting the proposition of issuing such bonds, and unless at such election a majority of the electors voting on ~~said~~ the proposition shall have voted in favor of issuing such bonds. Such bonds shall be payable in not exceeding ten years from date and shall bear interest payable annually or semiannually. Notice of such election shall be given by publication in a legal newspaper published or of general circulation in ~~said~~ the city or village for ~~four~~ three successive weeks, the final publication to be not more than ten days prior to the date of such election, as therein specified. The ~~said~~ election shall be governed, insofar as applicable, by the laws of this state governing general elections.

Sec. 14. Section 22-210, Reissue Revised Statutes of Nebraska, is amended to read:

22-210. The remainder of the lots shall be offered at public sale by the sheriff of the county to the highest bidder~~,~~ at such time as the county board may designate. Notice of such sale shall be posted up in three public places of the county. ~~, and published in some newspaper of general circulation therein at least thirty days previous to such sale.~~ The terms of sale shall be determined by the county board and they may dispose of lots at private sale upon such terms as they may deem best.

Sec. 15. Section 23-122, Reissue Revised Statutes of Nebraska, is amended to read:

23-122. The county board of all counties having a population of less than one hundred fifty thousand inhabitants shall cause to be published, within ten working days after the close of each annual, regular, or special meeting of the board, a brief statement of the proceedings thereof which shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item, in one newspaper of general circulation published in the county and also its proceedings upon the equalization of the assessment roll. Between ~~, except that between~~ July 15 and August 15 of each year, the ~~names of all employees and their~~ employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be

descriptive and indicate the duties and functions of the position. ~~, and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May.~~ No publication in a newspaper shall be required unless the same can be done at an expense not exceeding three-fourths of the legal rate for advertising notices.

Sec. 16. Section 23-164, Reissue Revised Statutes of Nebraska, is amended to read:

23-164. The county board shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, ~~and~~ enforced~~;~~ and, from time to time, amended, supplemented, or changed. No ~~; PROVIDED, no~~ such regulation, restriction, or boundary shall become effective until after public hearings are held by both the county planning commission and county board in relation thereto, when its parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be given by the publication thereof in a legal newspaper of general circulation in such county~~, and in the local newspaper of any county which has territory within three miles of the property affected by such action of the county board~~, one time at least ten days prior to such hearing. Notice of the time and place of such hearing shall also be given in writing to the ~~chairman~~ chairperson of any municipal, county, or joint planning commission in the State of Nebraska which has jurisdiction over land within three miles of the property affected by such action. In the absence of a planning commission, such notice shall be given to the clerks of units of local government in the State of Nebraska having jurisdiction over land within three miles of the property affected by such action.

Sec. 18. Section 25-519, Reissue Revised Statutes of Nebraska, is amended to read:

25-519. The publication shall be made once in each week for ~~four~~ three successive weeks in some newspaper printed in the county where the petition is filed~~;~~ if there ~~be~~ is any printed in such county~~;~~ and, if there ~~be~~ is not, in some newspaper printed in this state of general circulation in that county. It must contain a summary statement of the object and prayer of the petition, mention the court wherein it is filed, and notify the person or persons thus to be served when they are required to answer.

Sec. 19. Section 25-1409, Reissue Revised Statutes of Nebraska, is amended to read:

25-1409. When the plaintiff shall make an affidavit, that the representatives of the defendant, or any of them, in whose name the action may be ordered to be revived, are nonresidents of the state, or have left the same to avoid the service of the order, or so concealed themselves that the order cannot be served upon them, or that the names and residence of the heirs or devisees of

the person against whom the action may be ordered to be revived, or some of them, are unknown to the affiant, a notice may be published once in each week for four successive weeks, in the same manner as provided by section 25-519, notifying them to appear on a day therein named, not less than ten days after the publication is complete, and show cause why the action should not be revived against them; and if sufficient cause be not shown to the contrary, the action shall stand revived.

Sec. 20. Section 25-2228, Reissue Revised Statutes of Nebraska, is amended to read:

25-2228. All legal publications and notices of whatever kind or character that may by law be required to be published a certain number of days or a certain number of weeks shall be legally published when they have been published in one issue in each week in a daily, semiweekly, or triweekly newspaper, such publication in such daily, semiweekly, or triweekly paper or papers to be made upon any one day of the week upon which such paper is published, except Sunday. ~~, and the publication of such notices the succeeding week or weeks, if the same is required to be published more than one week, shall be upon the same day of the week as the first publication.~~ Nothing in this ~~act contained~~ section shall be construed as preventing the publication of such legal notices and publications in weekly newspapers. Any newspaper publishing such legal notices or publications, as hereinbefore provided, must be otherwise qualified under existing law to publish such notices or publications. All legal publications and all notices of whatever kind or character that may be required by law to be published a certain number of days or a certain number of weeks, shall be and hereby are declared to be legally published when they shall have been published once a week in a weekly, semiweekly, triweekly, or daily newspaper for the number of weeks, covering the period of publication. For the purpose of this section, when a newspaper is published regularly four or more times each week, it shall be deemed a daily newspaper.

Sec. 21. Section 46-142, Reissue Revised Statutes of Nebraska, is amended to read:

46-142. Upon the presentation of the coupons and bonds due at the office of the treasurer of the county in which the district was originally organized, it shall be his or her duty to pay the same from the bond funds. Whenever, after ten years from the issuance of the bonds, the sinking fund shall amount to the sum of ten thousand dollars, the board of directors may direct the county treasurer in which the district was originally organized to pay such an amount of the bonds not due as the money of the fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least ~~four~~ three weeks in some daily newspaper in each of the cities hereinbefore named, and in any newspaper which the board may deem advisable, for sealed proposals for the redemption of the bonds. Such proposals shall be

opened by the board in open meeting, at the time named in the notice, and the lowest bid for the bonds must be accepted. No ~~PROVIDED, no~~ bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of the bonds shall desire to have the same redeemed, as herein provided, the money shall be invested by the treasurer of the county in which the district was originally organized, under the direction of the board of directors of the district, in United States bonds, or the bonds or warrants of the state, which shall be kept in the bond fund, and may be used to redeem the district bonds whenever the holders thereof may desire.

Sec. 22. Section 46-271, Reissue Revised Statutes of Nebraska, is amended to read:

46-271. Any corporation or association organized under the laws of this state for the purpose of constructing or operating canals, reservoirs or other works for irrigation purposes may, through its board of directors or trustees, assess the shares, stock, or interest of the stockholders thereof for the purpose of obtaining funds to defray the necessary running expenses. Any assessments levied under ~~the provisions of~~ this section shall become and be a lien upon the stock or interest so assessed. Such assessments shall, if not paid, become delinquent at the expiration of sixty days, and the stock or interest may be sold at public sale to satisfy such lien. Notice of such sale shall be published for ~~four~~ three consecutive weeks prior thereto, in some newspaper published and of general circulation in the county where the office of the company is located. Upon the date mentioned in the advertisement, or upon the date to which the sale may have been adjourned, such stock, or interest, or so much thereof as may be necessary to satisfy such lien and costs, shall be sold to the highest bidder for cash.

Sec. 23. Section 46-568, Reissue Revised Statutes of Nebraska, is amended to read:

46-568. The board may at any time file a petition in the court, praying a judicial examination and determination of (1) any power conferred hereby by any amendment hereto, (2) any tax or assessment levied, or (3) any act, proceeding, or contract of the district, whether or not the contract shall have been executed, including proposed contracts for the acquisition, construction, maintenance, or operation of works for the district. Such petition shall set forth the facts on which the validity of such power, assessment, act, proceeding, or contract is founded and shall be verified by the president of the board. Notice of the filing of the petition shall be given by the clerk of the district court, under the seal thereof, stating in brief outline the contents of the petition and showing where a full copy of any contract or contracts mentioned in the petition may be examined. The notice shall be served by publication in at least ~~five~~ three consecutive

issues of a weekly newspaper of general circulation published in the county in which the principal office of the district is located and by posting the same in the office of the district at least thirty days prior to the date fixed in the notice for the hearing on the petition. Any owner of property in the district or person interested in the contract or proposed contract may appear and demur to or answer the petition at any time prior to the date fixed for the hearing or within such further time as may be allowed by the court, and the petition shall be taken as confessed by all persons who fail to appear. The petition and notice shall be sufficient to give the court jurisdiction. Upon hearing, the court shall examine into and determine all matters and things affecting the question submitted, make such findings with reference thereto, and render such judgment and decree thereon as the case warrants. Costs may be divided or apportioned among the contesting parties in the discretion of the trial court. Review of the judgment and decree of the court may be had as in other similar cases but shall be commenced within thirty days after the rendition of the judgment or decree, or the making of the final order complained of. The code of civil procedure shall govern in matters of pleading and practice where not otherwise specified in this section. The court shall disregard any error, irregularity, or omission which does not affect the substantial rights of the parties.

Sec. 24. Section 54-304, Reissue Revised Statutes of Nebraska, is amended to read:

54-304. The owner of any stallion, jack, bull, buck, or boar shall restrain the same, and any person may take possession of any such animal running at large in the county in which such person resides, or in which he or she occupies or uses real estate. He or she shall give notice thereof to the sheriff or any constable in the county in which such animal is taken, who shall give notice to the owner of such animal, if known to him or her, by delivering a written notice to ~~said~~ the owner, or leaving the same at his or her usual place of abode, giving a description of the animal so taken. If such owner does not appear within ten days after such notice to claim his or her property and pay costs and damages if any, then the sheriff or constable shall sell the animal so taken, at public auction to the highest bidder for cash, having given twenty days' notice of the time and place of sale, with a description of the property, ~~by publishing the same in a newspaper of general circulation in the county, or if there is no such paper,~~ by posting such notice in three public places in the township or precinct in which such animal was found at large. Out of the proceeds of such sale he or she shall pay all costs and any damages done by such animal, to be ascertained and determined by him or her, and the sheriff or constable shall pay the remainder, if any, into the county treasury for the use of the county. If legal proof is made to the county board by the owner of such animal of a right thereto at any time within one year of the sale, the county board shall

order the proper amount to be paid to the owner by its warrant drawn for that purpose. If the owner, or any person for him or her, on or before the day of sale shall pay the costs thus far made and all damages, to be determined by the sheriff or constable if the parties cannot agree, and make satisfactory proof of ~~his~~ ownership, the sheriff or constable shall release the animal to him~~; PROVIDED, this~~ or her. This remedy shall not be construed as a bar to any suit for damages sustained and not covered by the proceeds of the sale as hereinbefore provided.

Sec. 25. Section 54-314, Reissue Revised Statutes of Nebraska, is amended to read:

54-314. Twenty days' notice of the filing of the claim of the overseer or other officer shall be given in writing to residents. Nonresidents shall be notified by publication in ~~the~~ a legal county newspaper. ~~The notice shall run for three consecutive weeks.~~".

2. On page 25, line 17, after "Sections" insert "77-1712, 77-1713, and 77-1714, Reissue Revised Statutes of Nebraska, sections". Renumber the remaining sections and correct the repealer accordingly.

Mr. Coordsen filed the following amendment to LB 1212:
AM4289

1. Insert the following new section:

"Section 1. Section 48-628, Revised Statutes Supplement, 1995, is amended to read:

48-628. An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has left work voluntarily without good cause, if so found by the commissioner, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner according to the circumstances in each case. A temporary employee of a temporary help firm has left work voluntarily without good cause if the temporary employee does not contact the temporary help firm for reassignment upon completion of an assignment and the temporary employee has been advised by the temporary help firm of his or her obligation to contact the temporary help firm upon completion of assignments and has been advised by the temporary help firm that the temporary employee may be denied benefits for failure to do so, or (b) for the week in which he or she has left work voluntarily for the sole purpose of accepting previously secured, permanent, full-time, insured work, which he or she does accept, which offers a reasonable expectation of betterment of wages or working conditions, or both, and for which he or she earns wages payable to him or her, if so found by the commissioner, and for not more than one week which immediately follows such week;

(2) For the week in which he or she has been discharged for misconduct connected with his or her work, if so found by the

commissioner, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner in each case according to the seriousness of the misconduct. If the commissioner finds that such individual's misconduct was gross, flagrant, and willful, or was unlawful, the commissioner shall totally disqualify such individual from receiving benefits with respect to wage credits earned prior to discharge for such misconduct. In addition to the seven-week to ten-week benefit disqualification assessed under this subdivision, the commissioner shall cancel all wage credits earned as a result of employment with the discharging employer if the commissioner finds that the individual was discharged for misconduct in connection with the work which was not gross, flagrant, and willful or unlawful but which included being under the influence of any intoxicating beverage or being under the influence of any controlled substance listed in section 28-405 not prescribed by a physician licensed to practice medicine or surgery when the individual is so under the influence on the worksite or while engaged in work for the employer;

(3)(a) For any week of unemployment in which he or she has failed, without good cause, to apply for available, suitable work when so directed by the employment office or the commissioner, to accept suitable work offered him or her, or to return to his or her customary self-employment, if any, and the commissioner so finds, and for not less than seven weeks nor more than ten weeks which immediately follow such week, as determined by the commissioner, and his or her total benefit amount to which he or she is then entitled shall be reduced by an amount equal to the number of weeks for which he or she has been disqualified by the commissioner.

(b) In determining whether or not any work is suitable for an individual, the commissioner shall consider the degree of risk involved to the individual's health, safety, and morals, his or her physical fitness and prior training, his or her experience and prior earnings, his or her length of unemployment and prospects for securing local work in his or her customary occupation, and the distance of the available work from his or her residence.

(c) Notwithstanding any other provisions of the Employment Security Law, no work shall be deemed suitable and benefits shall not be denied under such law to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (i) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (ii) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or (iii) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) Notwithstanding any other provisions in subdivision (3) of this section, no otherwise eligible individual shall be denied benefits with respect to any week in which he or she is in training with the approval of the commissioner, by reason of the application of the provisions in subdivision (3) of this section relating to failure to apply for or a refusal to accept suitable work;

(4) For any week with respect to which the commissioner finds that his or her total unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he or she is or was last employed, except that this subdivision shall not apply if it is shown to the satisfaction of the commissioner that (a) the individual is not participating in, financing, or directly interested in the labor dispute which caused the stoppage of work and (b) he or she does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating, financing, or directly interested in the dispute. If in any case, separate branches of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subdivision, be deemed to be a separate factory, establishment, or other premises;

(5) For any week with respect to which he or she is receiving or has received remuneration in the form of (a) wages in lieu of notice, or a dismissal or separation allowance, (b) compensation for temporary ~~partial~~ disability under the workers' compensation law of any state or under a similar law of the United States, (c) primary insurance benefits under Title II of the Social Security Act, as amended, or similar payments under any act of Congress, (d) retirement or retired pay, pension, annuity, or other similar periodic payment under a plan maintained or contributed to by a base period or chargeable employer, or (e) a gratuity or bonus from an employer, paid after termination of employment, on account of prior length of service, or disability not compensated under the workers' compensation law. Such payments made in lump sums shall be prorated in an amount which is reasonably attributable to such week. If the prorated remuneration is less than the benefits which would otherwise be due, he or she shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration. The prorated remuneration shall be considered wages for the quarter to which it is attributable. Military service-connected disability compensation payable under 38 U.S.C. chapter 11 shall not be deemed to be disqualifying or deductible from the benefit amount. No deduction shall be made for the part of any retirement pension which represents return of payments made by the individual. In the case of a transfer by an individual or his or her employer of an amount from one retirement plan to a

second qualified retirement plan under the Internal Revenue Code, the amount transferred shall not be deemed to be received by the claimant until actually paid from the second retirement plan to the claimant;

(6) For any week with respect to which or a part of which he or she has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or of the United States finally determines that he or she is not entitled to such unemployment benefits, this disqualification shall not apply;

(7) For any week of unemployment if such individual is a student. For the purpose of this subdivision, student shall mean an individual registered for full attendance at and regularly attending an established school, college, or university, unless the major portion of his or her wages for insured work during his or her base period was for services performed while attending school, except that attendance for training purposes under a plan approved by the commissioner for such individual before attendance shall not be disqualifying;

(8) For any week of unemployment if benefits claimed are based on services performed:

(a) In an instructional, research, or principal administrative capacity for an educational institution, if such week commences during the period between two successive academic years or terms, or when an agreement provides instead for a similar period between two regular, but not successive, terms during such period, if such individual performs such services in the first of such academic years or terms and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms;

(b) In any other capacity for an educational institution, if such week commences during a period between two successive academic years or terms, if such individual performs such services in the first of such academic years or terms, and if there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms, except that if benefits are denied to any individual for any week under subdivision (8)(b) of this section and such individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of subdivision (8)(b) of this section;

(c) In any capacity described in subdivision (8)(a) or (b) of this section if such week commences during an established and customary vacation period or holiday recess if such individual

performs such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess;

(d) In any capacity described in subdivision (8)(a) or (b) of this section in an educational institution while in the employ of an educational service agency, and such individual shall be disqualified as specified in subdivisions (8)(a), (b), and (c) of this section. As used in this subdivision, educational service agency shall mean a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing services to one or more educational institutions; and

(e) In any capacity described in subdivision (8)(a) or (b) of this section in an educational institution if such services are provided to or on behalf of the educational institution while in the employ of an organization or entity described in section 3306(c)(7) or 3306(c)(8) of the Federal Unemployment Tax Act, and such individual shall be disqualified as specified in subdivisions (8)(a), (b), and (c) of this section;

(9) For any week of unemployment benefits if substantially all the services upon which such benefits are based consist of participating in sports or athletic events or training or preparing to so participate, if such week of unemployment begins during the period between two successive sport seasons or similar periods, if such individual performed such services in the first of such seasons or similar periods, and if there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods;

(10) For any week of unemployment benefits if the services upon which such benefits are based are performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of section 212(d)(5) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his or her alien status shall be made except upon a preponderance of the evidence;

(11) Notwithstanding any other provisions of the Employment Security Law, no otherwise eligible individual shall be denied benefits for any week because he or she is in training

approved under section 236(a)(1) of the federal Trade Act of 1974, nor shall such individual be denied benefits by reason of leaving work to enter such training, if the work left is not suitable employment, or because of the application to any such week in training of provisions of the Employment Security Law, or any applicable federal unemployment compensation law, relating to availability for work, active search for work, or refusal to accept work. For purposes of this subdivision, suitable employment shall mean, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal Trade Act of 1974, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for purposes of the federal Trade Act of 1974; and

(12) For any week during which the individual is on a leave of absence.".

2. On page 6, line 15, strike "section" and insert "sections 48-628 and"; and in line 16 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Avery filed the following amendment to LB 642A:
AM4286

(Amendments to Final Reading copy)

1. Strike original section 1 and insert the following new section:

"Section 1. There is hereby appropriated (1) $341,356 from the General Fund and $69,916 from federal funds for FY1996-97 and (2) $217,997 from the General Fund and $168,414 from federal funds for FY1997-98 to the State Foster Care Review Board, for Program 116, to aid in carrying out the provisions of Legislative Bill 642, Ninety-fourth Legislature, Second Session, 1996.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $257,733 for FY1996-97 or $285,244 for FY1997-98.

The appropriation to the Department of Social Services for Program 341 shall be reduced by $278,189 General Funds and $119,224 federal funds for FY1996-97 and by $290,443 General Funds and $143,054 federal funds for FY1997-98.".

Ms. Schimek filed the following amendment to LB 1316:
AM4270

(Amendments to AM4119)

1. On page 1, line 24, after the period insert "In making the appointments, the Chief Justice also shall be cognizant of the gender, ethnic background, and geographic location of the appointees.".

2. On page 2, line 2, after the period insert "In making the appointments, the executive board shall be cognizant of the gender, ethnic background, and geographic location of the

appointees.".

Mr. Schrock filed the following amendment to LB 604:
AM4282

(Amendments to E & R amendments, AM7220)

1. Insert the following new section:

"Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, after line 5, insert the following new paragraph:

"Any petition of the legal voters of a Class I district in which no city or village is situated which is commenced after January 1, 1996, and proposes the dissolution of the Class I district and the attachment of a portion of it to two or more districts shall require signatures of more than fifty percent of the legal voters of such Class I district. If any petition is denied on or after March 15, 1996, due to the fact that it was signed by fewer than sixty percent of the legal voters of such Class I district, the county superintendent of schools of the county in which the Class I district is situated shall reconsider such petition on or before May 15, 1996. If the county superintendent determines that such petition contains valid signatures of more than fifty percent of the legal voters of such Class I district, the county superintendent shall grant the petition.".

Ms. Schimek filed the following amendment to LB 1316:
AM4290

(Amendments to AM4119)

1. On page 2, line 5, after the period insert paragraphing and "(4)"; in line 6 strike "his or her" and after the first "the" insert "Chief Justice, executive board, and"; in line 9 strike "(4)" and insert "(5)"; in line 17 strike "(5)" and insert "(6)"; in line 20 strike "(6)" and insert "(7)"; and in line 24 strike "(7)" and insert "(8)".

2. On page 3, line 7, strike "(8)" and insert "(9)".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Matzke asked unanimous consent to have his name added as cointroducer to LR 442 and LR 443. No objections. So ordered.

VISITORS

Visitors to the Chamber were Larry Donner from Burwell; 13 kindergarten through sixth grade students, teachers, and parents from Grafton Elementary School; 19 students and sponsor from Southeast Community College, Lincoln; 25 fourth grade students and teacher from Shelton; 8 fifth through eighth grade students and teacher from

District 5R, Clarkson; 5 fourth through sixth grade students and teachers from Niobrara; 28 eighth grade students and sponsor from District 10, Columbus; 46 fourth through sixth grade students and sponsors from Silver Lake Elementary, Bladen; and Craig Gottschalk, Emily and Sarah from Wahoo.

ADJOURNMENT

At 8:05 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Tuesday, April 2, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY - APRIL 2, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Doug Switzer, Reader for the First Church Christ Scientist, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Coordsen, Dierks, Engel, Fisher, Hilgert, Klein, Landis, Lindsay, Schmitt, Will, Mmes. Bohlke, Brown, Hudkins, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

PROPOSED RULES CHANGES

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

Rule 3, Section 12
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 subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature. Committee amendments which are

adopted by the committee with no dissenting votes shall be deemed adopted by the Legislature unless the primary introducer of the bill or resolution objects prior to General File consideration.

Rule 6, Section 3.
(b) Each section shall be open to amendment. ~~The amendments, if any, recommended by standing committees, shall first be considered.~~ The amendments, if any, recommended by the standing committee which heard the bill or resolution shall be deemed adopted by the Legislature if there were no dissenting votes when adopted by the committee and unless the primary sponsor of the bill objects prior to General File consideration. Other committee amendments which had at least one dissenting vote in committee or to which the primary introducer has objected shall be considered ahead of other amendments. The introducer's amendments, if any, shall 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 and Rule 1, Section 17.

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 1296. E & R amendment, AM7261, found in the Journal on page 1480, was adopted.

Messrs. Wickersham, Beutler, and Kristensen renewed their pending amendment, AM4271, found in the Journal on page 1736.

The Wickersham 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 engrossment.

LEGISLATIVE BILL 345. E & R amendment, AM7267, found in the Journal on page 1663, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 345A. E & R amendment, AM7268, found in the Journal on page 1663, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1213. Mrs. Pirsch renewed her pending amendment, AM4228, found in the Journal on page 1705.

The Pirsch amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Brashear renewed his pending amendment, AM4248, printed separately and referred to on page 1716.

The Brashear amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1213A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1306. E & R amendment, AM7272, found in the Journal on page 1664, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1104. E & R amendment, AM7273, found in the Journal on page 1664, was adopted.

Messrs. Schrock and Schellpeper renewed their pending amendment, AM4162, found in the Journal on page 1605.

The Schrock-Schellpeper amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1069. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1277. E & R amendment, AM7275, found in the Journal on page 1673, was adopted.

Messrs. Hartnett and Schellpeper renewed their pending amendment, AM4165, found in the Journal on page 1689.

Messrs. Hartnett and Schellpeper withdrew their amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1070. E & R amendment, AM7274, found in the Journal on page 1673, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1241. Mr. Beutler offered the following amendment:
AM4293

1. Insert the following sections:

"Section 1. Section 2-3290, Reissue Revised Statutes of Nebraska, is amended to read:

2-3290. A district which owns, leases, or has an easement on land may allow the land to be used by the public for recreational purposes and may adopt and promulgate rules and regulations governing the use of such land as provided in sections 2-3292 to 2-32,100 unless the district does not have the right to use such land for recreational purposes. For purposes of sections 2-3234.01 and 2-3290 to 2-32,101, unless the context otherwise requires, recreation area shall mean land owned or leased by a district, or on which a district has an easement, which the district authorizes to be used by the public for recreational purposes.

In addition to the authority provided in section 2-3292 to establish and collect fees, a district may establish and collect permit fees for public access to such land.

Sec. 9. Section 46-1405, Revised Statutes Supplement, 1995, is amended to read:

46-1405. Any natural resources district cost-sharing program for decommissioning illegal water wells may qualify for funding pursuant to section 46-1404 if the program:

(1) Applies only to water wells properly decommissioned by licensed water well contractors and pump installation contractors;

(2) Applies to all water wells in the district;

(3) Is available for at least thirty water wells per year; and

(4) Provides at least ~~seventy-five~~ sixty percent of the costs of decommissioning, up to a maximum of three hundred dollars for all water wells other than hand-dug water wells which shall be eligible for up to a maximum of seven hundred dollars.".

2. On page 5, line 3, after "sections" insert "2-3290,"; and in line 5 strike "and" and after the last comma insert "and section 46-1405, Revised Statutes Supplement, 1995,".

3. Renumber the remaining sections and correct internal references accordingly.

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

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 323. E & R amendment, AM7287, printed separately and referred to on page 1684, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 323A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 463. E & R amendment, AM7278, found in the Journal on page 1684, was adopted.

Mr. Beutler offered the following amendment:
AM4292
1. On page 13, line 3, strike "may" and insert "shall";
and in lines 18 and 19, strike "If the council fails to reach a decision on approval of the project" and insert "Prior to the council making a decision on a project".

The Beutler amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1274. E & R amendment, AM7290, found in the Journal on page 1684, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1212. Mr. Coordsen renewed his pending amendment, AM4289, found in the Journal on page 1747.

The Coordsen amendment was adopted with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1249. E & R amendment, AM7281, found in the Journal on page 1685, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1090. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1268. E & R amendment, AM7280, found in the Journal on page 1685, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1055A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1076A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1322A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1226A. 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.

SELECT FILE

LEGISLATIVE BILL 1085. E & R amendment, AM7255, found in the Journal on page 1470, was adopted.

Mr. Beutler renewed his pending amendment, AM3984, found in the Journal on page 1404.

The Beutler amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Beutler renewed his pending amendment, AM4170, found in the Journal on page 1605.

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

MR. WILL PRESIDING

Messrs. Maurstad, Wehrbein, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 13:

Avery

Bernard-Stevens	Brown	Pirsch	Wesely	Witek
Beutler	Crosby	Robinson	Will	Withem
	Elmer	Schimek		

Voting in the negative, 18:

Bohlke	Fisher	Klein	Robak	Vrtiska
Bromm	Hartnett	Kristensen	Schmitt	Warner
Coordsen	Hilgert	Landis	Schrock	Wickersham
Engel	Jones	Matzke		

Present and not voting, 13:

Chambers	Hillman	Jensen	Maurstad	Preister
Cudaback	Hudkins	Lindsay	McKenzie	Schellpeper
Dierks	Janssen	Lynch		

Excused and not voting, 5:

Abboud	Brashear	Pedersen	Stuhr	Wehrbein

The Beutler amendment lost with 13 ayes, 18 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Warner and Wickersham asked unanimous consent to replace their pending amendment, AM4169, found in the Journal on page 1606, with a substitute amendment. No objections. So ordered.

Messrs. Warner and Wickersham withdrew their amendment, AM4169, found in the Journal on page 1606.

Messrs. Warner and Wickersham offered the following substitute amendment:

AM4187

(Amendments to Standing Committee amendments, AM3649)

1. Insert the following new sections:

"Sec. 28. Section 23-1201.01, Revised Statutes Supplement, 1995, is amended to read:

23-1201.01. (1) Except as provided in subsection (2) of this section, a qualified person need not be a resident of the county when he or she files for election as county attorney, but if elected as county attorney, such person shall reside in ~~the~~ a county ~~in~~ for which he or she holds office, except that a county attorney serving in a county which does not have a city of the metropolitan, primary, or first class may reside in an adjoining Nebraska county.

(2) If there is no county attorney elected pursuant to section 32-522, the county board of such county may appoint a qualified attorney from any Nebraska county to the office of county attorney. In making such appointment, the county board shall negotiate a contract with the attorney, such contract to specify the terms and conditions of the appointment, including the compensation of the attorney, which compensation shall not be subject to sections 23-1114.02 to 23-1114.06.

Sec. 29. Section 23-1301, Reissue Revised Statutes of Nebraska, is amended to read:

23-1301. The county clerk shall keep his or her office at the county seat; shall attend the sessions of the county board; shall keep the seal, records, and papers of the board; and shall sign the record of the proceedings of the board and attest the same with the county seal. After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the county clerk may transfer such record of the proceedings of the board to the State Archives of the Nebraska State Historical Society for permanent preservation.

A county clerk elected after November 1986 need not be a resident of the county when he or she files for election as county clerk, but a county clerk shall reside in ~~the~~ a county ~~in~~ for which he or she holds office.

Sec. 30. Section 23-1501, Reissue Revised Statutes of Nebraska, is amended to read:

23-1501. In each county that has a register of deeds, the county board shall provide suitable office room, fireproof vaults of sufficient capacity, and necessary books, blanks, stationery, and office furniture for the use of the register of deeds.

A register of deeds elected after November 1986 need not be a resident of the county when he or she files for election as register of deeds, but a register of deeds shall reside in ~~the~~ a county ~~in~~ for which he or she holds office.

Sec. 31. Section 23-1601.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1601.01. A county treasurer elected after November 1986 need not be a resident of the county when he or she files for election as county treasurer, but a county treasurer shall reside in ~~the~~ a county ~~in~~ for which he or she holds office.

Sec. 32. Section 23-1701, Reissue Revised Statutes of Nebraska, is amended to read:

23-1701. It is the duty of the sheriff to serve or otherwise execute, according to law, and return writs or other legal process issued by lawful authority and directed or committed to the sheriff and to perform such other duties as may be required by law. The county sheriff shall prepare and file the required annual inventory statement of county personal property in his or her custody or possession as provided in sections 23-346 to 23-350.

A sheriff elected after November 1986 need not be a resident of the county when he or she files for election as sheriff, but a sheriff shall reside in ~~the~~ a county ~~in~~ for which he or she holds office.

Sec. 33. Section 23-1901.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-1901.01. (1) Except as provided in subsection (2) of this section, a county surveyor elected after November 1986 need not be a resident of the county when he or she files for election as county surveyor, but a county surveyor shall reside in ~~the~~ a county ~~in~~ for which he or she holds office.

(2) When there is no qualified surveyor within a county who will accept the office of county surveyor, the county board of such county may employ a competent surveyor either on a full-time or part-time basis from any other county of the State of Nebraska to such office. In making such employment, the county board shall negotiate a contract with the surveyor, such contract to specify the terms and conditions of the appointment or employment, including the compensation of the surveyor, which compensation shall not be subject to section 33-116. A surveyor employed under this subsection shall serve the same term as that of an elected surveyor and shall not be required to reside in the county of employment.

Sec. 35. Section 23-3204, Reissue Revised Statutes of Nebraska, is amended to read:

23-3204. A county assessor need not be a resident of the county when he or she files for election as county assessor, but a county assessor shall reside in a county ~~in~~ for which he or she holds office.

Sec. 36. Section 23-3401, Revised Statutes Supplement, 1994, is amended to read:

23-3401. (1) There is hereby created the office of public defender in counties that have or that attain a population in excess of one hundred thousand inhabitants and in other counties upon approval by the county board. The public defender shall be elected as provided in the Election Act.

(2) The public defender shall be a lawyer licensed to practice law in this state. He or she shall take office after election and qualification at the same time that other county officers take office, except that upon the creation of such office in any county, a qualified person may be appointed by the county board to serve as public defender until such office can be filled by an election in accordance with section 32-523.

(3) In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public

defender and shall not engage in the private practice of law so long as each assistant public defender receives the same annual salary as each deputy county attorney of comparable ability and experience receives in such counties.

(4) No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.

(5) A public defender elected after November 1986 need not be a resident of the county when he or she files for election as public defender, but a public defender shall reside in ~~the~~ a county ~~in~~ for which he or she holds office, except that in counties with a population of one hundred thousand or less inhabitants, the public defender shall not be required to reside in the county in which he or she holds office.".

2. On page 13, line 20, strike "adoption" through "voter" and insert "final".

3. On page 25, lines 20 and 21, strike "10 to 13, 17, and 18" and insert "10, 12 to 15, 19, and 20".

4. On page 26, line 12, before "each" insert "(1)"; and in line 15 strike ". Each", show as stricken, and insert "and (2) each".

5. On page 29, line 16, before "a" insert "(1)"; and in lines 21 and 22 strike ". If", show as stricken, and insert "and (2) if".

6. On page 30, line 10, after "in" insert "section 77-1340 and".

7. On page 31, line 17, after "(1)" insert "Except as provided in section 26 of this act:", before "(a)" insert paragraphing, and reinstate the stricken matter; in lines 17 and 18 strike the new matter; and in line 21 strike the period, show as stricken, and insert "; and".

8. On page 36, line 15, after the period insert "Upon the assumption of the assessment function by the Property Tax Administrator, the term of office of the incumbent county assessor shall terminate and the county need no longer elect a county assessor pursuant to section 32-519.".

9. On page 39, line 19, strike "for".

10. Renumber the remaining sections and correct internal references accordingly.

Messrs. Hilgert and Lindsay asked unanimous consent to be excused until they return. No objections. So ordered.

The Warner-Wickersham amendment was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Beutler withdrew his amendment, AM4181, found in the Journal on page 1614.

Mr. Bernard-Stevens renewed his pending amendment, AM4220, found in the Journal on page 1707.

Mr. Bernard-Stevens withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1085A. Advanced to E & R for engrossment.

MOTION - Bracket LB 1059

Mrs. Crosby moved to bracket LB 1059 until June 1, 1996.

Laid over.

AMENDMENT - Print in Journal

Mr. Klein filed the following amendment to LB 108:
AM4306
(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new section:

"Sec. 78. The Director of Water Resources shall take no further action or proceeding with regard to applications for instream flows on the Platte River, identified as A-17329, A-17330, A-17331, A-17332, and A-17333 by the Department of Water Resources until June 1, 1997, or such earlier date as the Legislature may direct, except such proceedings as the director deems necessary to consider and to approve the terms of a settlement offer between the applicant and the objectors to such applications as parties to the proceedings on the applications, the terms of the settlement offer having been set down on March 13, 1996.".

2. Renumber the remaining sections accordingly.

PROPOSED RULES CHANGES

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

Rule 1, Sec. 6, strike "Chairperson of Committee on Agriculture" and insert "Chairperson of Committee on Agriculture and Community Development."

Rule 3, Sec. 3(a), strike "Agriculture" and insert "Agriculture and Community Development".

Referred to the Rules Committee.

MESSAGE FROM THE GOVERNOR

April 1, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 253, 253A, 842, 922, 922A, 923, 962, 1138, 1138A, 1141, 1162, and 1184 were received in my office on March 28, 1996.

These bills were signed by me on April 1, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 96026

DATE: March 28, 1996

SUBJECT: Constitutionality of LB 1248

REQUESTED BY: Senator Roger R. Wehrbein
State Legislature, Second District

WRITTEN BY: Don Stenberg, Attorney General
John R. Thompson,
Senior Assistant Attorney General

This is in response to your February 26, 1996 letter concerning LB 1248, which, as amended by Amendment 7215 on February 29, 1996, establishes the Local Government Catastrophic Financial Emergency Fund and sets up a procedure for paying claims from such fund to local governmental bodies who suffered a catastrophic financial emergency under the conditions in the amendment. On March 12, 1996, the bill was further amended to clarify definitions and procedures for determining eligibility of the local government for reimbursement or loans.

In your letter you asked the following three questions:

1. Does the language of the bill create an entitlement such that a county, city, or village is granted the right to benefit from the emergency fund?

2. Can the State Claims Board's or Legislature's decision not to approve the claim, or only approve a portion of the claim, be appealed to a district court?
3. Is the provision that allows a local government to file a claim for a loan constitutional?

With respect to question number one, we understand that you no longer need an answer since the amendment on March 12, 1996, clarifies the power of the State Claims Board and Legislature to exercise discretion with respect to approval or denial of the claim.

With respect to question number two, your question appears to be whether the local government making the claim may appeal from an adverse decision to the district court. The answer appears to be no.

Article V, § 22 of the Nebraska Constitution provides that "the State may sue and be sued, and the Legislature shall provide by law in what manner and in what court suit shall be brought." The Nebraska Supreme Court has held on numerous occasions that section of the Constitution is not self-executing and that specific legislative action is necessary to make it available. **Gentry v. State,** 174 Neb. 515, 118 N.W.2d 643. Any waiver of the State's immunity pursuant to art. V, § 22 will be strictly construed in favor of retention of immunity. **Gentry v. State, supra.** In this case, LB 1248, as amended, provides for claims to be first heard by the State Claims Board with appeal to the Nebraska Legislature, a process similar to that provided in the State Miscellaneous Claims Act, Neb. Rev. Stat. § 81-8,294 to § 89-8,301. Neither LB 1248 as amended or the State Miscellaneous Claims Act provide for any appeal beyond that of the Legislature. Since such waivers of immunity must be strictly construed in favor of retention of immunity, the conclusion must be that the State will not waive its immunity from suit in district court for claims made pursuant to LB 1248.

In your third question you ask whether LB 1248 is constitutional. There appear to be two parts to that question; (1) whether the bill would violate art. XIII, § 3 of the Nebraska Constitution by giving or loaning the credit of the State and (2) whether the bill would violate art. III, § 18 of the Nebraska Constitution as special legislation.

First, with respect to art. XIII, § 3 of the Nebraska Constitution, we must determine whether the credit of the State would be given or loaned in aid of any individual, association, or corporation. The Nebraska Supreme Court has interpreted § 3 of art. XIII of the Nebraska Constitution on numerous occasions, holding "section 3, article XIII, of the Constitution, was intended to prevent the state from extending its credit to private enterprises." **United Community Services v. The Omaha National Bank,** 162 Neb. 786, 77 N.W.2d 576 (1956) and **Haman v. Marsh,** 237 Neb. 699, 467 N.W.2d 836 (1991). In the instant case, the State money would clearly be for a public purpose and not in aid of private enterprise. Accordingly, there appears to be no serious question that LB 1248 is permissible under art. XIII, § 3 of the Nebraska Constitution.

A question concerning special legislation is somewhat more difficult to answer. Article III, § 18 of the Nebraska Constitution provides in pertinent part as follows:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> . . . .
>
> Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever . . . . In all other cases where a general law can be made applicable no special law shall be enacted.

A legislative act can violate Nebraska Constitution art. III, § 18 as special legislation in one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. **See, City of Scottsbluff v. Tiemann,** 185 Neb. 256, 175 N.W.2d 74 (1970), **Haman v. Marsh, supra.**

In **Haman v. Marsh** the court, quoting from **State ex rel. Douglas v. Marsh,** 207 Neb. 598, 300 N.W.2d 181 (1980), held that:

> A legislative classification, in order to be valid, must be based upon 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 objects to be classified. Classifications for the purpose of legislation must be real and not elusive. They cannot be based on distinctions without a substantial difference.
>
> . . .
>
> Classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

In reviewing LB 1248 as amended, it appears the purpose of the bill is to provide state assistance for local governmental operations in those situations where the local governmental body suffers from some catastrophic financial situation which resulted from performing its duties which are mandated by state law along with financial emergencies from natural disasters such as fires, floods, epidemics, etc. That appears to be a reasonable classification since it applies to those local governmental bodies who are in some extreme financial situation and require immediate and substantial financial assistance for reasons beyond their control. There is clearly a substantial difference between a local governmental entity suffering such severe financial problems which result from performing acts mandated by the state law as opposed to other counties who are not presented with the same costly problems.

Finally, we must discuss whether the class of potential claimants created by LB 1248 is a permanently closed class. Under LB 1248 the class of potential claimants are local governmental entities who suffer a

catastrophic financial emergency caused by expenses of government which are beyond the local governments' ability to pay and which create an undue burden on the local government due to a lack of unobligated fiscal resources and are incurred as a result of activities mandated by state law. Eligible claimants must also have unreimbursed expenses incurred in relation to a natural disaster which qualified for federal assistance. All such expenses must have been incurred within the five fiscal years immediately preceding the making of the claim but may be related to acts or incidents that occurred not more than eight years prior to making the claim.

While it appears that this bill was intended to alleviate the special financial problems of Richardson County created by a combination of circumstances, that does not by itself render the class suspect.

The Nebraska Supreme Court in **Haman, supra,** held that in determining whether a class is closed, you may consider the act's application as well as the legislation itself. You must consider the actual probability that others will come under the act's operation, not merely the possibility.

In this instance, the bill will clearly apply to the recent problems of Richardson County. However, while there may or may not be other local governmental bodies presently eligible, it is probable that some other counties in the state may have similarly unusual expenses relative to criminal prosecutions and other losses related to some natural disaster in the future.

The primary concern whether the class is closed in this case stems from the relatively short life of the law. LB 1248 provides for automatic termination on June 30, 1999. That provision reduces the probability that some other counties may become eligible within the life of the act. Nevertheless, we believe the probability of other class members is sufficiently high that the act will not violate art. III, § 18 of the Nebraska Constitution. Removal of the automatic termination provision would obviously enhance the act's viability.

Very truly yours,
DON STENBERG
Attorney General
(Signed) John R. Thompson
Senior Assistant Attorney General

4-49-7.1
cc: Patrick O'Donnell
Clerk of the Legislature

SELECT FILE

LEGISLATIVE RESOLUTION 292CA. E & R amendment, AM7262, found in the Journal on page 1534, was adopted.

Mrs. Hillman and Mr. Engel renewed their pending amendment, AM4142, found in the Journal on page 1616.

Messrs. Jones, Dierks, Coordsen, Janssen, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mrs. Hillman moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Mrs. Hillman requested a roll call vote on the Hillman-Engel amendment.

Voting in the affirmative, 21:

Avery	Engel	Lindsay	Pedersen	Wesely
Bernard-Stevens	Hillman	Matzke	Pirsch	Will
Beutler	Jensen	Maurstad	Robinson	Witek
Brown	Klein	McKenzie	Stuhr	Withem
	Landis			

Voting in the negative, 21:

Abboud	Elmer	Hudkins	Robak	Vrtiska
Bromm	Fisher	Janssen	Schellpeper	Warner
Chambers	Hartnett	Kristensen	Schimek	Wehrbein
Coordsen	Hilgert	Lynch	Schmitt	Wickersham
Cudaback				

Present and not voting, 4:

Brashear	Crosby	Preister	Schrock

Excused and not voting, 3:

Bohlke	Dierks	Jones

The Hillman-Engel amendment lost with 21 ayes, 21 nays, 4 present and not voting, and 3 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mrs. McKenzie filed the following amendment to LB 108:
AM4299

(Amendments to AM3708)

1. Insert the following new sections:

"Sec. 9. Section 46-2,115, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,115. An application for an instream appropriation which is pending on or filed after January 1, 1996, shall be approved by the Director of Water Resources if he or she finds that:

(1) There is unappropriated water available to provide for the instream appropriation;

(2) The appropriation is necessary to maintain the ~~instream use or uses for which the appropriation has been requested~~ continued existence of the recreational use or fish and wildlife species;

(3) The appropriation will not interfere with any senior surface water appropriation;

(4) The rate and timing of the flow is the minimum necessary to maintain the ~~instream use or uses for which the appropriation has been requested~~ continued existence of the recreational use or fish and wildlife species and does not exceed the total unappropriated water available; and

(5) The application is in the public interest.

The application may be granted for a rate of flow that is less than that requested by the applicant or for a shorter period of time than requested by the applicant.

Sec. 10. Section 46-2,119, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,119. Instream appropriations shall be administered in the same manner as prescribed by Chapter 46, article 2, for other appropriations, except that existing reservoirs shall not be required by the Director of Water Resources to release impounded water for instream appropriations. Instream flow appropriations shall not be superior to existing storage rights as provided in section 46-241. Instream appropriations may be canceled as provided in section 46-229.04. Each permit to appropriate water for instream flows shall be reviewed by the director every ten years to determine if the permit continues to be in the public interest.".

VISITORS

Visitors to the Chamber were 14 fourth grade students from St. Joseph School, Beatrice; 17 kindergarten students and teacher from Beattie School, Lincoln; Laura Switzer, Alexandra, Veronica, and Lowell Roderick; 31 junior and senior high school students and teachers from

Clay Center; senior citizens from across the state; 35 fourth grade students and teachers from St. Cecilia's Elementary School, Omaha; and 18 fourth grade students and teacher from Watson Elementary, Hastings.

RECESS

At 11:50 a.m., on a motion by Mr. Schrock, 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, Bromm, Chambers, Coordsen, Cudaback, Engel, Janssen, Landis, Lindsay, Robinson, Will, Mmes. Bohlke, Hudkins, Pirsch, Robak, Stuhr, and Ms. Schimek who were excused until they arrive.

REPORT OF THE EXECUTIVE BOARD

1996 Resolutions Calling for an Interim Study

328 To study the issues associated with enactment of concealed-carry license legislation
Judiciary

334 To study the use of credits earned pursuant to the Employment Expansion and Investment Incentive Act to reduce the personal income tax
Revenue

336 To study the use of credits earned pursuant to the Employment and Investment Incentive Growth Act to reduce personal income tax
Revenue

349 To study the Nebraska Apiary Act
Agriculture

350 To study the structure for oversight and operation of the Nebraska veterans homes
Health and Human Services

353 To study licensing and regulation of child care programs
Health and Human Services

355 To study illegal dumping of household appliances
Natural Resources

356 To study whether newspaper carriers should be treated as employees for purposes of workers' compensation
Business and Labor

357 To study the Nebraska Workers' Compensation Act and the impact of LB 757, 1993
Business and Labor

358 To study the Nebraska Construction Lien Act
Government, Military and Veterans Affairs

359 To study the potential beneficial effects of introducing energy management performance based contracting to the State of Nebraska
Natural Resources

360 To study developing a new format or a new form for property tax statements
Revenue

361 To study the use and cost of compensatory time by state government
Appropriations

362 To study the management and associated costs of information technology in state agencies
Appropriations

363 To study the feasibility of using the right-of-way of state highways for providing a connection between trails systems
Transportation

365 To study data regarding private health insurance coverage for biologically based mental illnesses
Executive Board

366 To study county veterans' service committees and authority relating to service officers
Government, Military and Veterans Affairs

367 To study usage of credit, debit, charge, or bank cards by the state, counties, and municipalities to be used to pay fees
Government, Military and Veterans Affairs

368 To study school-to-work programs
Business and Labor

369 To study the licensing of outfitters and professional guides
Natural Resources

370 To study the extension of record providing responsibilities to certain types of dealers in second-hand goods
Banking, Commerce and Insurance

371 To study the rehabilitation and maintenance needs of the Governor's mansion
Building Maintenance

372 To study the filing of frivolous claims or complaints against individual aerial spray applicators
Judiciary

373 To study and evaluate the Schools' TeleLearning Service and the Japanese Distance Learning Program
Education and Appropriations

374 To study improving methods of sharing data and information technology among Nebraska's diverse criminal justice agencies
Judiciary and Appropriations

375 To study and ensure that new agencies created by the Nebr. Partnership Project, LB 1044, 1996, maintain budgetary accountability to the Legislature
Appropriations

376 To study horseracing
General Affairs

377 To study the impact that gaming in bordering states has on certain activities in Nebraska
General Affairs

378 To study the process of licensing retail liquor establishments
General Affairs

379 To study to look at potential funding alternatives to replace lost property tax revenue in the funding of schools
Revenue

380 To study procedures for Commercial Driver's License renewal in Nebraska and in other states
Transportation

381 To study the new accounting standards issued by the Government Accounting Standards Board

Nebraska Retirement Systems

382 To study the long-tern funding of the Judges Retirement System
Nebraska Retirement Systems

383 To study the membership of noncertificated school employees in the School Retirement System
Nebraska Retirement Systems

384 To study the State of Nebraska's financial support of the School Retirement System
Nebraska Retirement Systems

385 To study the adjusted supplemental benefit under the School Retirement System
Nebraska Retirement Systems

386 To study the treatment of employees who are rehired after the date of retirement or termination
Nebraska Retirement Systems

387 To study the current funding status of retirement plans in the Nebraska political subdivisions
Nebraska Retirement Systems

388 To study the federal Telecommunications Act of 1996
Transportation

389 To study the constitutional and other legal grounds for noting a candidate's voting record and policy positions on any ballot on which a candidate's name appears
Government, Military and Veterans Affairs

391 To study the different levels of taxation of the various forms of legalized gambling in Nebraska
Revenue

392 To study the issue of the State of Nebraska legalizing wagering on the outcome of sporting events
General Affairs

393 To study the feasibility of establishing a Nebraska Commission of the Blind
Health and Human Services

394 To study the process by which delegates to presidential nominating conventions are chosen
Government, Military and Veterans Affairs

396 To study the use of consultants by state agencies
Appropriations

397 To study the fee structure for issuing health facility and service licenses by the Dept. of Health
Health and Human Services

398 To study whether Nebr. should update statutes regarding the practice of public accountancy
Banking, Commerce and Insurance

399 To study whether Nebraska should enact the Uniform Custodial Trust Act
Banking, Commerce and Insurance

400 To study the interstate branching provisions of the federal Riegle-Neal Branching Efficiency Act of 1994
Banking, Commerce and Insurance

401 To study whether Nebr. should review statutes which govern investments by insurance companies of their funds
Banking, Commerce and Insurance

402 To study corporate governance provisions within Nebraska's insurance laws
Banking, Commerce and Insurance

403 To study statutes regarding deposit of public funds in financial institutions
Banking, Commerce and Insurance

404 To study restructuring the number and boundaries of educational service units
Education

405 To study the incarceration of juveniles under the Nebraska Juvenile Code and when charged as adults
Judiciary

406 To study the impact of the repeal of section 83-1,105, on Nebraska's criminal justice system
Judiciary

407 To study the homestead exemption and circuit breaker refunds as an alternative means of providing property tax relief
Revenue

408 To study laws relating to condemnation

Judiciary

409 To study the types of driver's education and training available to teenage drivers
Education

410 To study the impact of the no-fault divorce law
Judiciary

411 To study and continue the work of the LR 230 Select Committee, to identify cost-containment strategies for special education aid growth
Executive Board

412 To study the increased costs of special education in Nebraska
Education

413 To study beverage container deposit legislation
Natural Resources

414 To study the equine industry in Nebraska
Agriculture

415 To study alternatives to the membership tiers for determining formula needs in the Tax Equity and Educational Opportunities Support Act
Education

416 To study what state sources of funding are available to school districts to meet the forty-five percent state funding goal
Education

417 To study truancy statutes and procedures in addressing truancy problems
Education

418 To study procedures for reorganization of school districts
Education

419 To study the property tax issue
Executive Board

420 To study the need for essential air service funding for Nebraska communities
Transportation

421 To study solutions to problems created by interaction between orders of the Commission of Industrial Relations and legislation which impose spending limits

Business and Labor

422 To study health care availability for uninsured children
Health and Human Services

423 To study the effect of the federal Employees Retirement Income Security Act restrictions on the health care delivery system
Health and Human Services

424 To study various issues relating to managed care
Health and Human Services

425 To study issues regarding the Commission for the Hearing Impaired
Health and Human Services

426 To study driving safety and driver education
Transportation

427 To study what the Dept. of Water Resources has determined as acceptable levels for instream flows
Natural Resources

428 To study renewable energy
Natural Resources

429 To study the consumption of liquor by individuals under the legal age
General Affairs

430 To study issues of library governance, funding and access
General Affairs

431 To study recommendations on how the State of Nebr. can join a partnership with the private sector to develop arts and humanities
Appropriations

432 To study issues relating to administration of the criminal justice system in the State of Nebr. and in its political subdivisions
Judiciary

433 To study legal and social issues associated with contract production and marketing agreements for packer procurement of swine and beef
Agriculture

434 To study property-tax funded services to agricultural producers
Revenue

435 To study funding for conservation and environmental programs in Nebraska
Natural Resources, Appropriations, and Agriculture

436 To study the Emergency Planning and Community Right-to-Know program
Natural Resources

437 To study the practice by governmental units of the state of distributing a variety of documents to various mailing lists
Government, Military and Veterans Affairs

438 To study the possibility of restructuring bill introduction and bill hearing dates
Executive Board

439 To study the compensation structure of public K-12 school districts
Executive Board

440 To study whether county attorneys have the options necessary to protect the public while providing guidance and discipline to juvenile offenders
Judiciary

441 To study conditions on Indian reservations in Nebraska
Health and Human Services

442 To study and oversee implementation of the Nebraska Partnership Project as enacted in LB 1044, 1996
Health and Human Services

443 To study health and human services issues
Health and Human Services

444 To study the current role and possible future role of the state and its citizens in oversight and regulation of health-care related mergers
Health and Human Services

445 To study the current state of the natural gas industry
Urban Affairs

446 To study municipal planning, zoning, and annexation law and sanitary improvement districts
Urban Affairs

447 To provide a forum for municipalities and citizens to present issues to the Urban Affairs Committee
Urban Affairs

448 To study whether the State of Nebraska is successfully reducing the recidivism rates of sex offenders
Judiciary

449 To study whether a state-sponsored capital pool would significantly help the development of microbusinesses
Banking, Commerce and Insurance

450 To study the integrated management of ground water and surface water
Natural Resources

451 To study the electric utility industry in Nebraska
Natural Resources

452 To study methods expanding ethanol fuel demand in Nebraska
Natural Resources

453 To study safety awareness among propane consumers and propane industry personnel
Natural Resources

454 To study funding for conservation and environmental programs and state recreational trails
Natural Resources

455 To study the electric utility industry in Nebraska
Natural Resources

456 To study tax revenue and the ability of state government to deliver services
Revenue

457 To study and examine public school spending of property tax dollars
Education

458 To study reasons behind Nebraska's low wages
Business and Labor

459 To study effects of changes to the homestead exemption program
Revenue

460 To study the use of both income and property tax as a determinant of wealth in a school district in relation to state aid to schools
Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE RESOLUTION 292CA. Mr. Schrock renewed his pending amendment, AM4167, found in the Journal on page 1662.

MR. COORDSEN PRESIDING

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Mr. Schrock requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud	Cudaback	Janssen	McKenzie	Schrock
Bernard-Stevens	Dierks	Jones	Pedersen	Vrtiska
Bromm	Elmer	Klein	Pirsch	Wehrbein
Chambers	Fisher	Matzke	Schellpeper	Wickersham
Coordsen	Hudkins	Maurstad	Schmitt	Witek

Voting in the negative, 15:

Avery	Crosby	Jensen	Lynch	Warner
Beutler	Hartnett	Kristensen	Preister	Wesely
Brashear	Hilgert	Landis	Schimek	Will

Present and not voting, 3:

Brown	Engel	Withem

Excused and not voting, 6:

Bohlke	Hillman	Lindsay	Robak	Robinson

Stuhr

The Schrock amendment was adopted with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to reconsider the vote on the Schrock amendment, AM4167.

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

MR. WILL PRESIDING

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

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

Mr. Withem requested a roll call vote on his motion to reconsider the Schrock amendment.

Voting in the affirmative, 30:

Abboud	Crosby	Janssen	Maurstad	Warner
Avery	Elmer	Jensen	McKenzie	Wehrbein
Beutler	Engel	Kristensen	Pedersen	Wesely
Bohlke	Hartnett	Landis	Pirsch	Will
Brashear	Hilgert	Lindsay	Preister	Witek
Brown	Hillman	Lynch	Schimek	Withem

Voting in the negative, 17:

Bernard-Stevens	Coordsen	Hudkins	Robinson	Schrock
	Cudaback	Jones	Schellpeper	Vrtiska
Bromm	Dierks	Klein	Schmitt	Wickersham
Chambers	Fisher	Matzke		

Excused and not voting, 2:

Robak Stuhr

The Withem motion to reconsider prevailed with 30 ayes, 17 nays, and 2 excused and not voting.

The Chair declared the call raised.

Mrs. Pirsch and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Schrock reconsidered amendment, AM4167, found in the Journal on page 1662 and considered in this day's Journal, was renewed.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Ms. Schimek 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. Schrock 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 the Schrock amendment.

Voting in the affirmative, 21:

Bernard-Stevens	Coordsen	Jones	McKenzie	Schrock
Bohlke	Cudaback	Klein	Robinson	Stuhr
Bromm	Dierks	Matzke	Schellpeper	Vrtiska
Chambers	Fisher	Maurstad	Schmitt	Wickersham
	Hudkins			

Voting in the negative, 22:

Abboud	Crosby	Hillman	Lindsay	Warner
Avery	Elmer	Janssen	Lynch	Wesely
Beutler	Engel	Jensen	Preister	Will
Brashear	Hartnett	Kristensen	Schimek	Withem
Brown	Hilgert			

Present and not voting, 3:

Pedersen	Wehrbein	Witek

Excused and not voting, 3:

Landis	Pirsch	Robak

The Schrock amendment lost with 21 ayes, 22 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Schrock and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

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

Mr. Chambers requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 38:

Abboud	Dierks	Jensen	McKenzie	Warner
Avery	Elmer	Klein	Pedersen	Wehrbein
Beutler	Engel	Kristensen	Preister	Wesely
Bohlke	Fisher	Landis	Robinson	Wickersham
Brashear	Hartnett	Lindsay	Schimek	Will
Brown	Hilgert	Lynch	Schmitt	Witek
Coordsen	Hillman	Matzke	Vrtiska	Withem
Crosby	Janssen	Maurstad		

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Bernard-Stevens	Bromm Hudkins	Jones	Schellpeper	Stuhr

Excused and not voting, 4:

Cudaback	Pirsch	Robak	Schrock

Advanced to E & R for engrossment with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 1205.

Correctly Engrossed

The following bills were correctly engrossed: 901, 1322, 1373, and 1391.

Enrollment and Review Change to LB 901

The following changes, required to be reported for publication in the Journal, have been made:
ER9160

1. In the E & R amendments, AM7238:

a. On page 4, lines 1 and 7, "4" has been struck and "5" inserted; and in line 2 "10" has been struck and "11" inserted; and

b. On page 15, line 18, ", and section 60-321, Revised Statutes Supplement, 1995; to change provisions relating to liability insurance" has been inserted after "Nebraska"; in line 20 "and" has been struck and "to provide operative dates;" inserted; and in line 21 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 1322

The following changes, required to be reported for publication in the Journal, have been made:
ER9159

1. In the Landis amendment, AM3383:

a. On page 12, line 15, "or safe drinking water facilities" has been inserted after "facilities";

b. On page 13, line 2, an underscored comma has been inserted after "assets";

c. On page 15, line 12, "or safe drinking water facilities" has been inserted after "facilities"; and

d. On page 20, line 20, the first comma has been struck; and in line 26 "as" has been inserted after "purposes".

2. In the E & R amendments, AM7219:

a. Underscoring has been inserted in the original sections and all amendments thereto:

b. Sections 1 to 10 have been renumbered as sections 11 to 20, respectively;

c. On page 1, line 3, "This" has been struck and "Sections 11 to 20 of this" inserted; and

d. On page 2, line 6; page 6, line 2; and page 7, line 25, "4" has been struck and "14" inserted.

3. On page 1, the matter beginning with "housing" in line 1 through line 2 has been struck and "money and financing; to amend sections 58-201 to 58-203, 58-207, 58-219, 58-230, 58-239, and 58-239.02, Reissue Revised Statutes of Nebraska; to provide for financing of safe drinking water projects and microenterprises; to provide powers and duties for the Nebraska Investment Finance Authority; to define and redefine terms; to adopt the Nebraska Affordable Housing Act; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1391

The following changes, required to be reported for publication in the Journal, have been made:
ER9165

1. In the E & R amendments, AM7263, sections 4 to 6 have been renumbered as sections 5 to 7, respectively.

2. In the Withem-Lindsay amendment, AM3989, on page 1, line 11, "claims" has been struck and "claim" inserted.

LEGISLATIVE BILL 1190. Placed on Select File as amended.
E & R amendment to LB 1190:
AM7294

1. In the Standing Committee amendment, AM3412:

a. On page 4, line 15, strike "act" and insert "Information Technology Infrastructure Act"; and

b. On page 6, line 5, after "boards" insert an underscored comma and strike the last comma.

2. In the Bromm amendment, FA592, strike the last comma.

3. On page 1, strike beginning with "state" in line 2 through the first semicolon in line 5 and insert "adopt the Information Technology Infrastructure Act;"; and in line 7 strike "an operative date" and insert "operative dates".

LEGISLATIVE BILL 1190A. Placed on Select File as amended.
E & R amendment to LB 1190A:
AM7293

1. On page 2, line 21, strike "7" and insert "9".

2. On page 5, lines 7 and 11, strike "section 3 of this act" and insert "subsection (3) of this section".

LEGISLATIVE BILL 29. Placed on Select File as amended.
E & R amendment to LB 29:
AM7292

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. (1)(a) Each postsecondary educational institution in the State of Nebraska that participates in the Federal Family Education Loan Program or the Federal Direct Student Loan Program, under Title IV of the federal Higher Education Act of 1965, as amended, shall reimburse the state for its proportionate share of any default cost fee charged to the state by the United States Secretary of Education under the federal act.

(b) Each postsecondary educational institution which (i) is currently in operation, (ii) participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program,

and (iii) for the relevant time period had a cohort default rate equal to or in excess of the percentage which directly triggered the relevant default cost fee charged to the state shall be required to remit an excess default rate fee in addition to its proportionate share of the relevant default cost fee charged to the state. Such excess default rate fee shall be two hundred percent of the institution's proportionate share of the relevant default cost fee.

(c) The balance of the relevant default cost fee charged to the state and not assessed pursuant to subdivision (b) of this subsection shall be assessed to postsecondary educational institutions which are currently in operation and which participated in the Federal Family Education Loan Program or the Federal Direct Student Loan Program for the relevant time period, excluding those institutions subject to assessment pursuant to such subdivision.

(d) Any postsecondary educational institution subject to assessment pursuant to subdivision (c) of this subsection shall not be assessed an amount exceeding the respective institution's proportionate share of the relevant default cost fee charged to the state. Such proportionate share means an amount which, in proportion to the total of the relevant default cost fee charged to the state by the United States Secretary of Education, is equal to the proportion of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume attributable to the respective institution to the total of Federal Family Education Loan Program and Federal Direct Student Loan Program loan default dollar volume for all institutions which participated in the Federal Family Education Loan Program and the Federal Direct Student Loan Program for the relevant time period.

(2) The Coordinating Commission for Postsecondary Education shall adopt and promulgate rules and regulations establishing a fee structure for determining the amount of the reimbursement for each institution as provided in subsection (1) of this section.

(3) Any institution with a valid authorization to operate pursuant to the Private Postsecondary Career School Act which has a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended, has violated the Private Postsecondary Career School Act. A hearing to determine whether the institution should have its authorization to operate or its agent's permit revoked shall be held in accordance with section 85-1634.

(4) Unless prohibited by federal law, the commission may charge and collect an administrative fee, not to exceed ten percent of the proportionate share of the relevant default cost fee, from any Nebraska postsecondary educational institution to cover the administrative expenses incurred by the commission in carrying out this section.

(5) Notwithstanding any other provision of law to the contrary, the rules and regulations may provide that a postsecondary educational institution may be exempt from the fees or the commission may adjust the fees of an institution if the institution demonstrates that exceptional mitigating circumstances contributed to its high cohort default rate.

Sec. 2. (1) The Student Loan Default Fee Revolving Fund is created. The fund shall be under the direction of the Coordinating Commission for Postsecondary Education. The commission shall remit all revenue received from fees charged under section 1 of this act to the State Treasurer for credit to the fund. Expenditures may be made from the fund, after appropriation by the Legislature, for payments to the federal government for relevant default cost fees charged to the State of Nebraska by the United States Secretary of Education or to reimburse the General Fund for any such payments which have been made to the federal government.

(2) If not inconsistent with federal law, up to ten percent of the revenue remitted to the fund may be appropriated and used to defray the administrative expenses of the activities undertaken pursuant to section 1 of this act.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Section 85-1610, Revised Statutes Supplement, 1995, is amended to read:

85-1610. No entity of whatever kind, alone or in concert with others, shall:

(1) Operate in this state a private postsecondary career school not exempted from the Private Postsecondary Career School Act unless the school has a currently valid authorization to operate issued pursuant to section 85-1612;

(2) Offer, as or through an agent, unless such agent is a natural person and has a currently valid agent's permit issued pursuant to section 85-1623, enrollment or instruction in or the granting of educational credentials from a private postsecondary career school not exempted from the act, whether such institution is within or outside this state, nor accept contracts or enrollment applications from any person who does not have a current agent's permit, but the board may adopt and promulgate rules and regulations to permit the rendering of legitimate public information services without such permit;

(3) Instruct or educate, offer to instruct or educate, including advertising or soliciting for such purpose, enroll or offer to enroll, or contract or offer to contract with any school or party to perform any such act in this state, whether such entity is located within or without this state, unless such entity observes and is in compliance with the minimum standards

established pursuant to sections 85-1606 and 85-1608 and the rules and regulations adopted and promulgated by the department; ~~or~~

(4) Grant or offer to grant educational credentials without authorization to do so from the department; or

(5) Have a cohort default rate which triggers state liability pursuant to section 428(n) of the federal Higher Education Act of 1965, as amended, under section 1 of this act.

Sec. 4. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 5. Original section 85-1610, Revised Statutes Supplement, 1995, is repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike lines 2 through 4 and insert "amend section 85-1610, Revised Statutes Supplement, 1995; to require fees for the reimbursement of certain costs paid by the state relating to defaults on student loans; to provide powers and duties for the Coordinating Commission for Postsecondary Education; to provide for the revocation of certain authorizations and permits; to create a fund; to prohibit certain acts; to provide severability; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 29A. Placed on Select File.
LEGISLATIVE BILL 1055A. Placed on Select File.
LEGISLATIVE BILL 1076A. Placed on Select File.
LEGISLATIVE BILL 1322A. Placed on Select File.
LEGISLATIVE BILL 1226A. Placed on Select File.

(Signed) David I. Maurstad, Chairperson

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.

Keith W. Vrbicky, M.D. - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Wickersham, McKenzie, Warner, Bernard-Stevens, and Beutler. Nay: None. Absent: Senators Janssen, Bohlke, and Stuhr.

(Signed) Ardyce Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 464. Introduced by Pirsch, 10.

WHEREAS, the foundation of "Justice for All", upon which our nation was built, includes justice for crime victims; and

WHEREAS, there are nearly seventy-three thousand Nebraskans who are touched by crime each year, with over six thousand falling prey to violence; and

WHEREAS, crime victims in Nebraska have many psychological, financial, and physical needs that merit our attention and concern; and

WHEREAS, the accomplishments of victims' rights advocates in America are numerous, including in Nebraska where the crime victims' rights constitutional amendment will be voted upon at the primary election; and

WHEREAS, a new day is dawning for victim justice in Nebraska and across the nation, a day that begins with the sunrise of fair treatment, continues with participation and involvement in the justice process, and ends with a sunset of dignity and respect; and

WHEREAS, April 21 to 27, 1996, has been declared "National Crime Victims' Rights Week"; and

WHEREAS, crime victims' rights, needs, and concerns deserve the attention and support of the citizens of Nebraska.

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

1. That the Legislature proclaims the week of April 21 to 27, 1996, to be "Nebraska Crime Victims' Rights Week".

2. That the citizens of Nebraska commit their individual and collective resources to helping victims of crime and supporting victim service programs not only during this special week but throughout the year.

3. That a copy of this resolution be presented to the Nebraska Coalition for Victims of Crime during their Victims' Rights Week ceremonies.

Laid over.

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 108:
AM4179

(Amendments to Standing Committee amendments, AM3613)

1. On page 61, lines 6 and 7, strike "there is reason to believe that".

2. On page 61, lines 8 and 9; page 62, lines 4 and 5; page 64, lines 12 through 14; page 69, lines 10 and 11 and 19 and 20; and page 70, lines 4 and 5, strike "contributing to or is in the reasonably foreseeable future likely to contribute to disputes over" and insert "resulting in documented irreconcilable problems

in the administration of the terms of ".

3. On page 61, line 10; page 62, line 6; page 64, lines 14 and 15; page 69, lines 12 and 21; and page 70, line 6, strike "to difficulties fulfilling the".

4. On page 61, lines 14 and 15 and 17 and 18, strike "disputes or difficulties" and insert "problems".

5. On page 62, strike lines 20 and 21 and insert "is resulting in irreconcilable problems described in"; and in line 27 strike "by such".

6. On page 63, line 1, strike "disputes or situations".

7. On page 64, line 19, strike "disputes over" and insert "irreconcilable problems in the administration of"; and in lines 19 and 20 strike "the difficulties in fulfilling".

8. On page 66, strike lines 5 and 6 and insert "action plan designed to eliminate irreconcilable problems in the administration of interstate compacts or decrees or"; and in line 7 strike "the".

Mr. Landis filed the following amendment to LB 750:
(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.)

Mr. Bromm filed the following amendment to LB 1375:
AM4300

(Amendments to AM4153)

1. Strike section 4.

2. On page 2, line 19, strike "unless" through "act" and after the period insert "This act shall not be construed to grant validity to any such contract existing on or prior to the effective date of this act.".

3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1114. Mr. Chambers requested a machine vote on the adoption of the E & R amendments.

E & R amendment, AM7265, printed separately and referred to on page 1604, was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Messrs. Warner and Kristensen offered the following amendment:
AM4265

(Amendments to E & R amendments, AM7264)

1. Strike section 47 and insert the following sections:

"Sec. 4. A council on public improvements and services may be created within each county or for adjoining counties by resolutions of county boards. Such councils shall include, but are

not limited to, one elected official from each school board, county board, incorporated city or village, natural resources district, community college, educational service unit, hospital district, airport authority, fire district, and township taxing property within the county or counties. The elected governing body of each political subdivision which has the legal authority to request property tax funding or a levy set by the county board within a county may by resolution of the governing body appoint one elected official to the council on public improvements and services.

Councils on public improvements and services may meet, beginning in 1996, as often as necessary prior to the adoption of budgets and property tax requests affected by the levy limits described in sections 1 to 3 of this act. The council shall jointly examine the budgets and property tax requests of each governmental agency or quasi-governmental agency with statutory authority to request a share of the property tax. The county clerk or designated county official of each county shall attend such meetings and keep a public record of the proceedings. Each council on public improvements and services which is created by resolution as provided in this section shall hold at least one public meeting prior to the adoption of public budgets affected by the levy limits imposed by sections 1 to 3 of this act. At such meetings the county clerk or designated county official may provide information on the preliminary property tax rate determined by dividing the amount requested for property taxes in the budget of the previous years by the final or estimated valuation for the political subdivision for the current year. Such council may continue to meet to discuss issues of public service provision in an effective and coordinated manner, the impacts of levy limits, state and federal law, program, or aid changes, and the joint provision or use of capital facilities and equipment.

Sec. 27. Section 16-1019, Revised Statutes Supplement, 1995, is amended to read:

16-1019. (1) The right to any benefits under the retirement system and the assets of any fund of the retirement system shall not be assignable or subject to execution, garnishment, attachment, or the operation of any bankruptcy or insolvency laws, except that the retirement system may comply with the directions set forth in a qualified domestic relations order meeting the requirements of section 414(p) of the Internal Revenue Code. The city or retirement committee may require appropriate releases from any person as a condition to complying with any such order. The retirement system shall not recognize any domestic relations order which alters or changes benefits, provides for a form of benefit not otherwise provided for by the retirement system, increases benefits not otherwise provided by the retirement system, or accelerates or defers the time of payment of benefits. No participant or beneficiary shall have any right to any specific portion of the assets of the retirement system.

(2) The retirement system shall be administered in a manner necessary to comply with the tax-qualification requirements applicable to government retirement plans under section 401(a) of the Internal Revenue Code, including section 401(a)(9) relating to the time and manner in which benefits are required to be distributed, section 401(a)(16) relating to compliance with the maximum limitation on the plan benefits or contributions under section 415, section 401(a)(17) which limits the amount of compensation which can be taken into account under a retirement plan, and section 401(a)(25) relating to the specification of actuarial assumptions. Any requirements for compliance with section 401(a) of the Internal Revenue Code may be set forth in any trust or funding medium for the retirement system. This subsection shall be in full force and effect only so long as conformity with section 401(a) of the Internal Revenue Code is required for public retirement systems in order to secure the favorable income tax treatment extended to sponsors and beneficiaries of tax-qualified retirement plans.

(3) If the retirement committee determines that the retirement system has previously overpaid or underpaid a benefit payable under sections 16-1001 to 16-1019, it shall have the power to correct such error. In the event of an overpayment, the retirement system may, in addition to any other remedy that the retirement system may possess, offset future benefit payments by the amount of the prior overpayment, together with regular interest thereon.

(4) A police officer whose benefit payment is adjusted by the retirement committee pursuant to subsection (3) of this section may request a review by the city council of the adjustment made by the retirement committee.

(5) In order to provide the necessary amounts to pay for or fund a pension plan established under sections 16-1001 to 16-1019, the mayor and council may make a levy which is within the levy restrictions of section 1 of this act. ~~in addition to the multiple levies or the all-purpose and exclusive levy which such city is authorized by law to make.~~

Sec. 28. Section 16-1038, Revised Statutes Supplement, 1995, is amended to read:

16-1038. (1) The right to any benefits under the retirement system and the assets of any fund of the retirement system shall not be assignable or subject to execution, garnishment, attachment, or the operation of any bankruptcy or insolvency laws, except that the retirement system may comply with the directions set forth in a qualified domestic relations order meeting the requirements of section 414(p) of the Internal Revenue Code. The city or retirement committee may require appropriate releases from any person as a condition to complying with any such order. The retirement system shall not recognize any domestic relations order which alters or changes benefits, provides for a

form of benefit not otherwise provided for by the retirement system, increases benefits not otherwise provided by the retirement system, or accelerates or defers the time of payment of benefits. No participant or beneficiary shall have any right to any specific portion of the assets of the retirement system.

(2) The retirement system shall be administered in a manner necessary to comply with the tax-qualification requirements applicable to government retirement plans under section 401(a) of the Internal Revenue Code, including section 401(a)(9) relating to the time and manner in which benefits are required to be distributed, section 401(a)(16) relating to compliance with the maximum limitation on the plan benefits or contributions under section 415, section 401(a)(17) which limits the amount of compensation which can be taken into account under a retirement plan, section 401(a)(25) relating to the specification of actuarial assumptions, and section 401(a)(31) relating to direct rollover distribution from qualified retirement plans. Any requirements for compliance with section 401(a) of the Internal Revenue Code may be set forth in any trust or funding medium for the retirement system. This subsection shall be in full force and effect only so long as conformity with section 401(a) of the Internal Revenue Code is required for public retirement systems in order to secure the favorable income tax treatment extended to sponsors and beneficiaries of tax-qualified retirement plans.

(3) If the retirement committee determines that the retirement system has previously overpaid or underpaid a benefit payable under sections 16-1020 to 16-1042, it shall have the power to correct such error. In the event of an overpayment, the retirement system may, in addition to any other remedy that the retirement system may possess, offset future benefit payments by the amount of the prior overpayment, together with regular interest thereon.

(4) A firefighter whose benefit payment is adjusted by the retirement committee pursuant to subsection (3) of this section may request a review by the city council of the adjustment made by the retirement committee.

(5) In order to provide the necessary amounts to pay for or fund a pension plan established under sections 16-1020 to 16-1042, the mayor and council may make a levy which is within the levy restrictions of section 1 of this act. ~~in addition to the multiple levies or the all-purpose and exclusive levy which such city is authorized by law to make.~~".

2. On page 1, line 7, strike "School" and insert "(a) Except as provided in subdivision (2)(b) of this section, school"; in line 8 strike "(a)" and insert "(i)"; in line 10 strike "(b)" and insert "(ii)"; and after line 12 insert:

"(b) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) of this section only to the extent necessary to qualify to receive federal aid pursuant to

Title VIII of Public Law 103-382. For the purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382.".

3. On page 36, strike beginning with the comma in line 15 through "them" in line 17 and show as stricken.

4. Amend the operative date and repealer provisions so that sections 27 and 28 added by this amendment become operative on July 1, 1998 and section 4 added by this amendment is operative on its effective date.

5. Renumber the remaining sections accordingly.

Mr. Warner offered the following amendment to the Warner-Kristensen pending amendment:
AM4298

(Amendments to AM4265)

1. On page 1, line 13, after "official" insert "from the governing board".

The Warner amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Messrs. Klein, Landis, Mmes. Hillman, and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment to the Warner-Kristensen pending amendment:
FA607

Amend AM4265 as follows:

after the word "boards" on page 1 line 4 add "or by joint resolutions passed by at least three different types of political subdivisions located in the county which are authorized to levy property taxes or which may benefit from property taxes affected by the levy limits imposed by sections 1 & 3 of this act"

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

The Beutler amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Warner-Kristensen amendment, AM4265, as amended, was adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Beutler withdrew his amendment, AM3927, found in the Journal on page 1477.

Mr. Beutler renewed his pending amendment, AM4002, found in the Journal on page 1477.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 6:

Bernard-Stevens	Beutler	Chambers	Crosby	Preister	Schimek

Voting in the negative, 16:

Abboud	Cudaback	Hudkins	Pedersen	Vrtiska
Avery	Elmer	Jones	Robinson	Warner
Brashear	Fisher	Kristensen	Stuhr	Withem
Coordsen				

Present and not voting, 18:

Bromm	Hilgert	Lynch	Schmitt	Wickersham
Brown	Janssen	Matzke	Wehrbein	Will
Dierks	Jensen	Maurstad	Wesely	Witek
Hartnett	Lindsay	Schellpeper		

Excused and not voting, 9:

Bohlke	Hillman	Landis	Pirsch	Schrock
Engel	Klein	McKenzie	Robak	

The Beutler amendment lost with 6 ayes, 16 nays, 18 present and not voting, and 9 excused and not voting.

Messrs. Maurstad, Schrock, and Avery renewed their pending amendment, AM4131, found in the Journal on page 1670.

Messrs. Maurstad, Schellpeper, and Pedersen offered the following amendment to the Maurstad et al. pending amendment:
AM4330

(Amendments to AM4131)

1. Insert the following new amendments:
"1. Insert the following new section:
'Sec. 26. Section 18-2528, Revised Statutes Supplement, 1994, is amended to read:
18-2528. (1) The following measures shall not be subject to referendum or limited referendum:
(a) Measures necessary to carry out contractual

obligations, including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(b) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(c) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(d) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the municipal subdivision's governing body and approved by its executive officer;

(e) Measures relating to projects for which notice has been given as provided for in subsection (4) of this section and for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(f) Resolutions directing the city clerk to cause measures to be submitted to a vote of the people at a special election as provided in sections 18-2524 and 18-2529;

(g) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in section 18-2526; and

(h) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(2) The following measures shall be subject to limited referendum:

(a) Measures in furtherance of a policy of the municipal subdivision or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(b) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs, of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects;

(c) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations

provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal subdivision employees other than the members of the governing body and the executive officer; ~~and~~

(d) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by municipalities except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness; and

(e) Measures relating to setting a maximum levy limit pursuant to subsection (6) of section 1 of this act.

(3) Measures subject to limited referendum shall ordinarily take effect thirty days after their passage by the governing body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to section 18-2518 within thirty days after such measure's passage by the governing body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (4)(c) of this section. If the necessary number of signatures as provided in section 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(4) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, a municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in sections 18-2501 to 18-2537 by the following procedure:

(a) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the governing body's jurisdiction;

(b) By passage of a measure approving the project, including an override of a veto if necessary, at a meeting held on any date subsequent to the date of hearing; and

(c) After passage of such measure, including an override of a veto if necessary, by giving notice as follows: (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after

such thirty-day period, the project and measures related to it will not be subject to any further right of referendum; and (ii) for projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty days after the first publication of such notice and that, after such thirty-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by subdivision (c)(ii) of this subsection shall be published in at least one newspaper of general circulation within the municipal subdivision and shall be published not later than fifteen days after passage by the governing body, including an override of a veto, if necessary, of a measure approving the project.

The right of a municipal subdivision to hold such a hearing prior to passage of the measure by the governing body and give such notice after passage of such measure by the governing body to obtain exemption for any particular project in a manner described in this subsection is optional, and no municipal subdivision shall be required to hold such a hearing or give such notice for any particular project.

(5) All measures, except as provided in subsections (1), (2), and (4) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the governing body, including an override of a veto, if necessary, or enacted by the voters by initiative.'.

4. Correct the repealer and operative date section so that the section added by this amendment becomes effective on July 1, 1998.

5. Renumber the remaining sections and correct internal references accordingly.".

2. On page 1, line 7, strike "sixty" and insert "fifty"; in line 10 strike "seventy-five" and insert "seventy"; and in line 15 after the underscored period insert "Any levy in excess of fifty cents per one hundred dollars of taxable valuation as authorized in this subsection may be reduced to a minimum of fifty cents per one hundred dollars of taxable valuation by the passage in the affected city or village of a limited referendum pursuant to section 18-2528.".

3. Renumber the remaining amendments accordingly.

MR. COORDSEN 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.

SPEAKER WITHEM PRESIDING

Mr. Maurstad moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Maurstad et al. amendment was adopted with 26 ayes, 6 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Messrs. Coordsen and Klein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Maurstad requested a roll call vote on the Maurstad et al. amendment, AM4131, as amended.

Voting in the affirmative, 18:

Abboud	Fisher	Maurstad	Schimek	Stuhr
Avery	Hudkins	McKenzie	Schmitt	Vrtiska
Cudaback	Jones	Pedersen	Schrock	Wesely
Dierks	Landis	Schellpeper		

Voting in the negative, 12:

Bromm	Engel	Kristensen	Warner	Will
Crosby	Hartnett	Robinson	Wickersham	Witek
Elmer	Hilgert			

Present and not voting, 15:

Bernard-Stevens	Brashear	Hillman	Lindsay	Preister
Beutler	Brown	Janssen	Lynch	Wehrbein
Bohlke	Chambers	Jensen	Matzke	Withem

Excused and not voting, 4:

Coordsen	Klein	Pirsch	Robak

The Maurstad et al. amendment, as amended, lost with 18 ayes, 12 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 681:
FA606
Strike the enacting clause.

Mr. Withem filed the following amendment to LB 1368:
AM4333
1. Insert the following new section:
"Sec. 4. Section 77-4927, Revised Statutes Supplement, 1995, is amended to read:
77-4927. (1) If a company has entered into an agreement with the state pursuant to section 77-4928, employees who are employed at the project covered by the agreement, other than base-year employees, shall during each project year receive the wage benefit credit in the manner provided in the Quality Jobs Act.
(2) The wage benefit credit shall be paid or applied by the employee for company training programs, employee benefit programs, educational institution training programs, or company workplace safety programs, or any combination thereof, as designated by the employee or as agreed to by the company and employee.
(3) Except as provided in subsection (4) of this section, the wage benefit credit per employee shall be an amount equal to the Nebraska income tax withholding attributable to the employee's compensation for services rendered in connection with the project for the project year without regard to the credit calculation under subsection (6) of this section.
(4) The wage benefit credit total for the project per year shall not exceed five percent of the total compensation paid by the company in the year to all employees, other than base-year employees, for services rendered in connection with the project. If the total of the wage benefit credit exceeds five percent of the total compensation paid to all employees, other than base-year employees, the withholding in excess of five percent of each employee's compensation shall be returned to the Department of Revenue in the manner provided in section 77-2756.
(5) The wage benefit credit shall be allowed for each project year.
(6) The wage benefit credit shall be withheld by the company from the employee's compensation in the normal manner provided by section 77-2753, except that the amount shall not be required to be paid over to the state under section 77-2756 and shall not constitute part of the trust fund or be owned by the

state as provided in section 77-2757, but instead shall, to the extent of attributable tax liability, represent a credit in the calculation of each such employee's tax liability and shall be paid or applied for the programs in the manner that the company and employee have determined as allowed by the act. For purposes of the withholding reporting provisions of sections 77-2754 and 77-2756, the company shall report the wage benefit credit separately to the state and to the employee as a wage benefit credit. Each employee shall be allowed on his or her Nebraska income tax return a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123 equal to the wage benefit credit not to exceed (a) his or her income tax liability minus (b) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income. The calculation of this nonrefundable credit shall be included with the employee's tax return and reported as determined by the Department of Revenue. If any amount allowable as a wage benefit credit has been through error or otherwise improperly paid to the state, it shall be refunded to the person who paid it upon application for refund filed within three years after payment. If the wage benefit credit withheld by the company exceeds the nonrefundable credit allowed the employee as calculated in this subsection, the company shall refund the difference to the employee. A company shall notify employees of the right to claim a refund under this subsection by April 1, and employees may claim the refund from the company by September 1.".

2. On page 4, line 21, strike "and 79-4925" and insert ", 77-4925, and 77-4927"; and in line 27 strike "and 77-4925" and insert ", 77-4925, and 77-4927".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Withem filed the following amendment to LB 1375:
AM4156

1. Insert the following new section:

"Sec. 6. The Department of Administrative Services and the Legislative Research Division shall provide staff support for the Task Force on Electronic Access to State Government Information. In addition, the task force may expend up to fifty thousand dollars to secure technical assistance in developing its recommendations.".

2. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 1368:
AM4345

1. Insert the following new section:

"Sec. 4. Section 77-4927, Revised Statutes Supplement, 1995, is amended to read:

77-4927. (1) If a company has entered into an agreement with the state pursuant to section 77-4928, employees who are employed at the project covered by the agreement, other than base-year employees, shall during each project year receive the wage benefit credit in the manner provided in the Quality Jobs Act.

(2) The wage benefit credit shall be paid or applied by the employee for company training programs, employee benefit programs, educational institution training programs, or company workplace safety programs, or any combination thereof, as designated by the employee or as agreed to by the company and employee.

(3) Except as provided in subsection (4) of this section, the wage benefit credit per employee shall be an amount equal to the Nebraska income tax withholding attributable to the employee's compensation for services rendered in connection with the project for the project year without regard to the credit calculation under subsection (6) of this section.

(4) The wage benefit credit total for the project per year shall not exceed five percent of the total compensation paid by the company in the year to all employees, other than base-year employees, for services rendered in connection with the project. If the total of the wage benefit credit exceeds five percent of the total compensation paid to all employees, other than base-year employees, the withholding in excess of five percent of each employee's compensation shall be returned to the Department of Revenue in the manner provided in section 77-2756.

(5) The wage benefit credit shall be allowed for each project year.

(6) The wage benefit credit shall be withheld by the company from the employee's compensation in the normal manner provided by section 77-2753, except that the amount shall not be required to be paid over to the state under section 77-2756 and shall not constitute part of the trust fund or be owned by the state as provided in section 77-2757, but instead shall, to the extent of attributable tax liability, represent a credit in the calculation of each such employee's tax liability and shall be paid or applied for the programs in the manner that the company and employee have determined as allowed by the act. For purposes of the withholding reporting provisions of sections 77-2754 and 77-2756, the company shall report the wage benefit credit separately to the state and to the employee as a wage benefit credit. Each employee shall be allowed on his or her Nebraska income tax return a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123 equal to the wage benefit credit not to exceed (a) his or her income tax liability minus (b) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income. The calculation of this nonrefundable credit shall be included with the employee's tax

return and reported as determined by the Department of Revenue. If any amount allowable as a wage benefit credit has been through error or otherwise improperly paid to the state, it shall be refunded to the person who paid it upon application for refund filed within three years after payment. If the wage benefit credit withheld by the company exceeds the nonrefundable credit allowed the employee as calculated in this subsection, the company shall refund the difference to the employee. A company shall notify employees of the right to claim a refund under this subsection by April 1 of each year, and the claim for the refund from the company shall be made by September 1. The company shall pay the refund to an employee within thirty days after the date a claim is filed.".

2. On page 4, line 21, strike "and 79-4925" and insert ", 77-4925, and 77-4927"; and in line 27 strike "and 77-4925" and insert ", 77-4925, and 77-4927".

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 1189. Mr. Bernard-Stevens moved to reconsider the Coordsen et al. amendment, AM4114, found in the Journal on page 1561 and considered on page 1739.

Messrs. Landis, Schrock, Hartnett, and Mrs. Witek 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 18 ayes, 0 nays, and 31 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to reconsider the Coordsen et al. amendment.

Voting in the affirmative, 16:

Abboud	Bohlke	Hilgert	Jones	Robinson
Avery	Bromm	Hudkins	Lynch	Schimek
Bernard-Stevens	Cudaback	Janssen	Pedersen	Wehrbein
	Fisher			

Voting in the negative, 22:

Beutler	Elmer	Lindsay	Robak	Wesely
Chambers	Engel	Maurstad	Schellpeper	Wickersham
Coordsen	Hillman	McKenzie	Schmitt	Will
Crosby	Jensen	Preister	Warner	Withem
Dierks	Kristensen			

Present and not voting, 4:

Brashear Brown Stuhr Vrtiska

Absent and not voting, 1:

Matzke

Excused and not voting, 6:

Hartnett Landis Pirsch Schrock Witek
Klein

The Bernard-Stevens motion to reconsider lost with 16 ayes, 22 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

Messrs. Lindsay, Engel, and Fisher renewed their pending amendment, AM4155, found in the Journal on page 1592.

Mr. Lindsay offered the following amendment to the Lindsay et al. pending amendment:
FA608
Amend AM4155 (Lindsay) as follows:
1. Strike beginning with "appropriate" in line 9 through "of" in line 9 and insert "explore the possibility of acquiring"

MRS. CROSBY PRESIDING

Messrs. Withem, Preister, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

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 Lindsay amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Messrs. Janssen and Bromm filed the following amendment to LB 1114:
AM4295

(Amendments to E & R amendments, AM7264)

1. On page 1, line 12, after the period insert "Excluded from this limitation are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for special building funds and sinking funds established for projects commenced prior to July 19, 1996, for construction, expansion, or alteration of school district buildings.".

2. On page 2, line 24, after "levies" insert "for judgments obtained against a political subdivision which require or obligate a political subdivision to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a political subdivision.".

Mr. Beutler filed the following amendment to LB 1114:
AM4334

(Amendments to E & R amendments, AM7264)

1. Strike section 54 and insert the following new sections:

"Sec. 55. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be five and one-half percent. The revenue raised by the additional one-half percent levied on sales, other than motor vehicle, trailer, or semitrailer sales, by the changes made to this section by this legislative bill shall be dedicated for school aid purposes.

Sec. 56. Section 77-27,132, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,132. (1) There is hereby created a fund to be designated the Revenue Distribution Fund which shall be set apart and maintained by the Tax Commissioner. Revenue not required to be credited to the General Fund or any other specified fund may be credited to the Revenue Distribution Fund. Credits and refunds of such revenue shall be paid from the Revenue Distribution Fund. The balance of the amount credited, after credits and refunds, shall be allocated as provided by the statutes creating such revenue.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the Nebraska Revenue Act of 1967. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the bank, and of the amounts so deposited the State Treasurer shall (a) credit to the Highway Trust Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers and (b) credit to the Tax Equity and Educational

Opportunities Fund all of the proceeds of the sales and use taxes derived from the additional one-half percent levied by the changes made to section 77-2701.02 by this legislative bill other than proceeds derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.

Sec. 64. Original sections 77-2701.02 and 77-27,132, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 71, line 12, after the period insert "Sections 55, 56, and 64 of this act become operative on January 1, 1999.".

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Warner, Coordsen, Kristensen, and Mrs. Bohlke filed the following amendment to LB 299:
(Amendment, AM4281, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Janssen filed the following amendment to LB 299:
AM4317

(Amendments to AM4281)

1. On page 4, line 14, strike "or"; and in line 17 after "1973" insert ", or (5) restricted funds budgeted to pay for judgments obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit".

2. On page 15, line 6, strike "or"; and in line 9 after "1973" insert ", (e) expenditures to pay for judgments obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit, or (f) expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment".

Mr. Warner filed the following amendment to LB 299:
AM4323

(Amendments to AM4281)

1. On page 1, line 19, strike "school districts and".

2. On page 5, line 25, strike "section 2 of this act" and insert "the Tax Equity and Educational Opportunities Support Act".

Mr. Warner filed the following amendment to LB 299:
AM4322

(Amendments to AM4281)

1. Insert the following new section:

"Sec. 17. There is hereby appropriated (1) $5,000 from the General Fund for FY1996-97 to the Auditor of Public Accounts, for Program 506, 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.".

2. Renumber the remaining sections accordingly.

Mr. Avery filed the following amendment to LB 299:
AM4341

(Amendments to AM4281)

1. On page 3, line 17, strike "one" and insert "two".

2. On page 18, line 6, strike "one", show as stricken, and insert "two".

Mr. Abboud filed the following amendment to LB 1050:
AM4348

(Amendments to Final Reading copy)

1. On page 32, line 4, after the comma insert "(a) for school year 1996-97 an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school year 1995-96, (b) for school year 1997-98 an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school fiscal year 1994-95, and (c) for school year 1998-99 and each school year thereafter".

Mr. Abboud filed the following amendment to LB 1050:
AM4349

(Amendments to Final Reading copy)

1. On page 32, line 4, after the comma insert "(a) for school year 1996-97 an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school fiscal year 1995-96 and (b) for school year 1997-98 and each school year thereafter".

Mr. Beutler filed the following amendment to LB 1226:
AM4262

(Amendments to Standing Committee amendments, AM3516)

1. On page 37, line 7, after "Act" insert "or a nonpoint source control system"; and in line 15 after the second "wastes" insert "or nonpoint source control systems".

MOTION - Suspend Rules

Mrs. Bohlke moved to suspend the rules, Rule 6, Sections 6 and 8, and Rule 7, Sections 3 and 7, and proceed to Final Reading of LB 1050 without further motion or amendment.

Laid over.

SELECT FILE

LEGISLATIVE BILL 1189. Mr. Wehrbein offered the following amendment to the Lindsay et al. pending amendment:
AM4303

(Amendments to AM4155)

1. On page 1, line 10, after the period insert "It is the intent of the Legislature that any money spent by the state for maintenance of the Rivendell property prior to acquisition of the property by the state be considered and applied toward the final purchase price of the property.".

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Lindsay, Chambers, and Wesely offered the following amendment to the Lindsay et al. pending amendment:
FA610

Amend AM4155 as follows:

In line 11, strike beginning with "short-term" through "Services" in line 13 and insert "mental health or substance abuse treatment"

The Lindsay et al. amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Lindsay et al. amendment, AM4155, as amended, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Wehrbein withdrew his amendment, AM4198, found in the Journal on page 1652.

Messrs. Vrtiska and Hilgert renewed their pending amendment, AM4173, found in the Journal on page 1720.

Messrs. Vrtiska and Hilgert withdrew their amendment.,

Mr. Warner renewed his pending amendment, AM4257, found in the Journal on page 1721.

The Warner amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

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

Mrs. McKenzie renewed her pending amendment, AM4260, found in the Journal on page 1722.

Mrs. McKenzie withdrew her amendment.

Mr. Lindsay renewed his pending amendment, AM4206, found in the Journal on page 1723.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the Lindsay amendment.

Voting in the affirmative, 7:

Bernard-Stevens	Beutler	Chambers	Lindsay	Pedersen
Wesely	Withem			

Voting in the negative, 19:

Avery	Brown	Fisher	Maurstad	Warner
Bohlke	Crosby	Hillman	Schrock	Wehrbein
Brashear	Cudaback	Jensen	Stuhr	Witek
Bromm	Elmer	Kristensen	Vrtiska	

Present and not voting, 15:

Coordsen	Hartnett	Janssen	McKenzie	Schimek
Dierks	Hilgert	Lynch	Robinson	Schmitt
Engel	Hudkins	Matzke	Schellpeper	Wickersham

Excused and not voting, 8:

Abboud	Klein	Pirsch	Robak	Will
Jones	Landis	Preister		

The Lindsay amendment lost with 7 ayes, 19 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Bernard-Stevens offered the following amendment:
AM4355

(Amendments to E & R amendments, AM7254)

1. Strike the Coordsen amendment, AM4114.
2. On page 48, after line 2 insert:
"It is the intent of the Legislature that if the
Executive Board of the Legislative Council approves a chamber

automation system, the board shall use money already appropriated to the Legislative Council for such project. If General Funds are necessary, the board shall request such funds as part of its FY1996-97 deficit and FY1997-99 biennium requests.".

Mr. Bernard-Stevens moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Bernard-Stevens requested a roll call vote on his amendment.

Voting in the affirmative, 14:

Avery	Crosby	Hilgert	Matzke	Schimek
Bernard-Stevens	Cudaback	Janssen	Pedersen	Vrtiska
	Fisher	Lynch	Robinson	Wehrbein

Voting in the negative, 18:

Beutler	Elmer	Maurstad	Schrock	Wesely
Bromm	Hillman	McKenzie	Stuhr	Wickersham
Chambers	Kristensen	Schellpeper	Warner	Withem
Coordsen	Lindsay	Schmitt		

Present and not voting, 9:

Bohlke	Brown	Engel	Hudkins	Witek
Brashear	Dierks	Hartnett	Jensen	

Excused and not voting, 8:

Abboud	Klein	Pirsch	Robak	Will
Jones	Landis	Preister		

The Bernard-Stevens amendment lost with 14 ayes, 18 nays, 9 present and not voting, and 8 excused and not voting.

Mr. Wickersham moved to reconsider the Brown et al. amendment, AM4048, found in the Journal on page 1530 and considered on page 1717.

The Chair declared the call raised.

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Wickersham motion to reconsider the Brown et al. amendment prevailed with 29 ayes, 6 nays, 7 present and not voting, and 7 excused and not voting.

The Brown et al. reconsidered amendment, AM4048, found in the Journal on page 1530 and considered on page 1717, was renewed.

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on the Brown et al. amendment.

Voting in the affirmative, 28:

Bohlke	Engel	Jensen	Robinson	Warner
Brashear	Fisher	Landis	Schimek	Wehrbein
Bromm	Hartnett	Matzke	Schmitt	Wickersham
Brown	Hilgert	Maurstad	Schrock	Witek
Coordsen	Hillman	McKenzie	Vrtiska	Withem
Dierks	Janssen	Pedersen		

Voting in the negative, 4:

Bernard-Stevens	Beutler	Chambers	Crosby

Present and not voting, 10:

Avery	Elmer	Kristensen	Lynch	Stuhr
Cudaback	Hudkins	Lindsay	Schellpeper	Wesely

Excused and not voting, 7:

Abboud	Klein	Preister	Robak	Will
Jones	Pirsch			

The Brown et al. amendment was adopted with 28 ayes, 4 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 38:

Bernard-Stevens	Crosby	Hillman	Maurstad	Vrtiska
Beutler	Cudaback	Hudkins	McKenzie	Warner
Bohlke	Dierks	Janssen	Pedersen	Wehrbein
Brashear	Elmer	Jensen	Robinson	Wesely
Bromm	Engel	Kristensen	Schimek	Wickersham
Brown	Fisher	Landis	Schmitt	Witek
Coordsen	Hartnett	Lindsay	Schrock	Withem
	Hilgert	Matzke	Stuhr	

Voting in the negative, 2:

Avery Chambers

Present and not voting, 2:

Lynch Schellpeper

Excused and not voting, 7:

Abboud Klein Preister Robak Will
Jones Pirsch

Advanced to E & R for engrossment with 38 ayes, 2 nays, 2 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 29:
AM4308

(Amendments to E & R amendments, AM7292)

1. Insert the following new section:

"Sec. 4. Section 85-1707, Revised Statutes Supplement, 1995, is amended to read:

85-1707. Private institution of higher education shall mean a not-for-profit educational institution located within this state which is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality thereof, which is authorized by law to provide a program of education beyond the high school level, and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree; provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree; provides a program of not less than two years in length which is acceptable for full credit toward a bachelor's degree; or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, research, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by a regionally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three

institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; and

(4) Does not discriminate in the admission of students on the basis of race, color, creed, national origin, ancestry, age, sex, or handicap, except that discrimination in the admission of students on the basis of sex shall not be determined to apply to institutions which admit only students of a single gender.".

2. Amend repealer and renumber the remaining sections accordingly.

Mr. Bromm filed the following amendment to LB 1050:
AM4353

(Amendments to Final Reading copy)

1. On page 23, line 24, strike "and 1995-96", show the old matter as stricken, and insert ", 1995-96, and 1996-97"; and in line 27 strike "1996-97" and insert "1997-98".

2. On page 28, line 26, before the comma insert "and school fiscal year 1997-98".

3. On page 29, line 11; page 32, line 2; page 34, line 15; page 39, line 22; page 45, line 27; page 50, lines 2 and 20; page 58, line 2; page 59, line 8; page 65, line 18; page 68, line 27; and page 69, line 6; page 70, lines 20 and 27, strike "1996-97" and insert "1997-98".

4. On page 49, line 20, strike "and 1995-96" and insert ", 1995-96, and 1996-97".

5. On page 50, line 23, strike "1997-98" and insert "1998-99".

6. On page 51, line 13, strike "1996" and insert "1997" and strike "2001" and insert "2002".

7. On page 56, line 13, strike "2006" and insert "2007".

8. On page 84, line 4, strike "on" through "date" and insert "three calendar months after adjournment of this legislative session".

Mr. Withem filed the following amendment to LB 901:
AM4356

(Amendments to Final Reading copy)

1. On page 17, strike lines 16 and 17 and insert "become operative on June 1, 1996.".

Mmes. McKenzie and Bohlke filed the following amendment to LB 108:
AM4336

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new section:

"Sec. 55. Until January 1, 2000, sections 56 to 72 of this act apply only to the Republican River Basin. On and after January 1, 2000, such sections apply to the entire state.".

2. Renumber the remaining sections and correct internal

references accordingly.

Mmes. McKenzie and Bohlke filed the following amendment to LB 108:
AM4310

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new section:

"Sec. 77. Section 81-15,175, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,175. (1) ~~The~~ Subject to subsection (3) of this section, the board shall make annual allocations from the fund for projects which conform to the environmental priorities of the board established pursuant to section 81-15,176 and to the extent the board determines those projects to have merit. The board shall establish an annual calendar for receiving and evaluating proposals and awarding grants. To evaluate the economic, financial, and technical feasibility of proposals, the board may establish subcommittees, request or contract for assistance, or establish advisory groups. Private citizens serving on advisory groups shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

(2) The board shall make an annual allocation to provide funding for one-half the costs of studies conducted to determine the cause of current or potential conflicts between ground water users and surface appropriators, disputes over interstate compacts or decrees, or difficulties fulfilling the provisions of other formal state contracts and agreements.

(3) The board shall establish a rating system for ranking proposals which meet the board's environmental priorities and other criteria. The rating system shall include, but not be limited to, the following considerations:

(a) Conformance with priorities established pursuant to section 81-15,176;

(b) Amount of funds committed from other funding sources;

(c) Encouragement of public-private partnerships;

(d) Geographic mix of projects over time;

(e) Cost-effectiveness and economic impact;

(f) Direct environmental impact; and

(g) Environmental benefit to the general public and the long-term nature of such public benefit.

(4) ~~(3)~~ The results of the annual rating of proposals shall guide the board's allocation of funds, except that the board may assign a higher rating to any proposal with an affirmative vote of eleven members. The motion for such an action shall specify the reasons for such action. The board may commit funds to multiyear projects, subject to available funds and appropriations. No commitment shall exceed three years without formal action by the board to renew the grant or contract. Multiyear commitments may be exempt from the rating process, except for the initial application

and requests to renew the commitment.

(5) ~~(4)~~ The board shall adopt and promulgate rules and regulations and publish guidelines governing allocations from the fund. The board shall conduct annual reviews of existing projects for compliance with project goals and grant requirements.".

2. Amend the repealer and renumber the remaining sections accordingly.

Mr. Lindsay filed the following amendment to LB 750:
AM4346

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. For purposes of this act:

(1) Abortion shall have the definition found in section 28-326; and

(2) Public funds shall mean any funds received or controlled by the State of Nebraska or any agency or political subdivision thereof, including funds derived from federal, state, or local taxes, gifts or grants from any public or private source, federal grants or payments, or intergovernmental transfers.

Sec. 2. No public funds shall be used to pay for any abortion not necessary to save the life of the mother, except that funds shall be used to pay for abortions in additional circumstances to the extent, and only to the extent, required by federal law as finally determined by a court of competent jurisdiction, with regard to which determination all judicial appeals have been exhausted, as a necessary condition of continued state participation in the federal medicaid program.

Sec. 3. Any taxpayer in this state or in any political subdivision shall have standing to bring suit in a court of proper jurisdiction to enforce the provisions of this act.".

Mr. Lindsay filed the following amendment to LB 750:
AM4347

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-2715.02, Revised Statutes Supplement, 1994, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing

joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be ~~.708, .986, 1.415, and 1.89~~ .6811, .9514, 1.3622, and 1.8243;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. Section 79-3804, Revised Statutes Supplement, 1995, is amended to read:

79-3804. (1) ~~Beginning in fiscal year 1990-91, twenty~~ Twenty and eighty-five hundredths 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) 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 and eighty-five hundredths 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 and eighty-five hundredths 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.

Sec. 3. Section 79-3822, Reissue Revised Statutes of Nebraska, is amended to read:

79-3822. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources to districts equal to forty-five percent of the estimated general fund operating expenditures of districts for the ensuing school year;

(2) Appropriate an amount of income tax revenue received to insure that twenty and eighty-five hundredths percent of all income tax receipts are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 4. Sections 1 and 5 of this act are operative for tax years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. Sections 2, 3, and 6 of this act become operative on July 1, 1997. The other section of this act becomes operative on its effective date.

Sec. 5. Original section 77-2715.02, Revised Statutes Supplement, 1994, is repealed.

Sec. 6. Original section 79-3822, Reissue Revised Statutes of Nebraska, and section 79-3804, Revised Statutes Supplement, 1995, are repealed.".

Mr. Lindsay filed the following amendment to LB 750:
AM4343

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 53-103, Revised Statutes Supplement, 1994, is amended to read:

53-103. For purposes of the Nebraska Liquor Control Act, unless the context otherwise requires:

(1) Alcohol shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever the origin thereof, and shall include synthetic ethyl alcohol. Alcohol shall not include denatured alcohol or wood alcohol;

(2) Spirits shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and shall include brandy, rum, whiskey, gin, or other spirituous liquors and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances;

(3) Wine shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits;

(4) Beer shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water and shall include, but not be limited to, beer, ale, stout, lager beer, porter, and near beer;

(5) Alcoholic liquor shall include alcohol, spirits, wine, beer, and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. Alcoholic liquor shall also include confections or candy with alcohol content of more than one-half of one percent alcohol. The act shall not apply to (a) alcohol used in the manufacture of denatured alcohol produced in accordance with acts of Congress and regulations adopted and promulgated pursuant to such acts, (b) flavoring extracts, syrups, medicinal, mechanical, scientific, culinary, or toilet preparations, or food products unfit for beverage purposes, but the act shall apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products or confections or candy that contains more than one-half of one percent alcohol, or (c) wine intended for use and used by any church or religious organization for sacramental purposes;

(6) Near beer shall mean beer containing less than one-half of one percent of alcohol by volume;

(7) Original package shall mean any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor;

(8) Manufacturer shall mean every brewer, fermenter,

distiller, rectifier, winemaker, blender, processor, bottler, or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying, or bottling alcoholic liquor, including a wholly owned affiliate or duly authorized agent for a manufacturer;

(9) Nonbeverage user shall mean every manufacturer of any of the products set forth and described in subsection (4) of section 53-160, when such product contains alcoholic liquor, and all laboratories, hospitals, and sanatoria using alcoholic liquor for nonbeverage purposes;

(10) Manufacture shall mean to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle, or fill an original package with any alcoholic liquor and shall include blending but shall not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in the act to serve drinks for consumption on the premises where sold;

(11) Wholesaler shall mean a person importing or causing to be imported into the state or purchasing or causing to be purchased within the state alcoholic liquor for sale or resale to retailers licensed under the act, whether the business of the wholesaler is conducted under the terms of a franchise or any other form of an agreement with a manufacturer or manufacturers, or who has caused alcoholic liquor to be imported into the state or purchased in the state from a manufacturer or manufacturers and was licensed to conduct such a business by the commission on May 1, 1970, or has been so licensed since that date. Wholesaler shall not include any retailer licensed to sell alcoholic liquor for consumption off the premises who sells alcoholic liquor other than beer or wine to another retailer pursuant to section 53-175, except that any such retailer shall obtain the required federal wholesaler's basic permit and federal wholesale liquor dealer's special tax stamp. Wholesaler shall include a distributor, distributorship, and jobber;

(12) Person shall mean any natural person, trustee, corporation, partnership, or limited liability company;

(13) Retailer shall mean a person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form except as provided in section 53-175;

(14) Sell at retail and sale at retail shall mean sale for use or consumption and not for resale in any form except as provided in section 53-175;

(15) Commission shall mean the Nebraska Liquor Control Commission;

(16) Sale shall mean any transfer, exchange, or barter in any manner or by any means for a consideration and shall include any sale made by any person, whether principal, proprietor, agent, servant, or employee;

(17) To sell shall mean to solicit or receive an order for, to keep or expose for sale, or to keep with intent to sell;

(18) Restaurant shall mean any public place (a) which is kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, (b) which has no sleeping accommodations, and (c) which has adequate and sanitary kitchen and dining room equipment and capacity and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests;

(19) Club shall mean a corporation (a) which is organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquor, (b) which is kept, used, and maintained by its members through the payment of annual dues, (c) which owns, hires, or leases a building or space in a building suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and (d) which has suitable and adequate kitchen and dining room space and equipment and a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests. Such club shall file with the local governing body at the time of application for a license under the act two copies of a list of names and residences of its members and similarly shall file within ten days of the election of any additional member his or her name and address. The affairs and management of such club shall be conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting, and no member, officer, agent, or employee of the club shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members other than any salary fixed and voted at any annual meeting by the members or by the governing body of the club out of the general revenue of the club;

(20) Hotel shall mean any building or other structure (a) which is kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, (b) in which twenty-five or more rooms are used for the sleeping accommodations of such guests, and (c) which has one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same buildings in connection therewith and such building or buildings or structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity;

(21) Nonprofit corporation shall mean any corporation organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes;

(22) Bottle club shall mean an operation, whether formally organized as a club having a regular membership list,

dues, officers, and meetings or not, keeping and maintaining premises where persons who have made their own purchases of alcoholic liquor congregate for the express purpose of consuming such alcoholic liquor upon the payment of a fee or other consideration, including among other services the sale of food, ice, mixes, or other fluids for alcoholic drinks and the maintenance of space for the storage of alcoholic liquor belonging to such persons and facilities for the dispensing of such liquor through a locker system, card system, or pool system, which shall not be deemed or considered a sale of alcoholic liquor. Such operation may be conducted by a club, an individual, a partnership, a limited liability company, or a corporation. An accurate and current membership list shall be maintained upon the premises which contains the names and residences of its members. Nothing in this section shall be deemed to prohibit the sale of alcoholic liquor for consumption on the premises to any person who is not a current member of such bottle club;

(23) Minor shall mean any person, male or female, under twenty-one years of age, regardless of marital status;

(24) Brand shall mean alcoholic liquor identified as the product of a specific manufacturer;

(25) Franchise or agreement, with reference to the relationship between a manufacturer and wholesaler, shall include one or more of the following: (a) A commercial relationship of a definite duration or continuing indefinite duration which is not required to be in writing; (b) a relationship by which the wholesaler is granted the right to offer and sell the manufacturer's brands by the manufacturer; (c) a relationship by which the franchise, as an independent business, constitutes a component of the manufacturer's distribution system; (d) a relationship by which the operation of the wholesaler's business is substantially associated with the manufacturer's brand, advertising, or other commercial symbol designating the manufacturer; and (e) a relationship by which the operation of the wholesaler's business is substantially reliant on the manufacturer for the continued supply of beer;

(26) Territory or sales territory shall mean the wholesaler's area of sales responsibility for the brand or brands of the manufacturer;

(27) Suspend shall mean to cause a temporary interruption of all rights and privileges of a license;

(28) Cancel shall mean to discontinue all rights and privileges of a license;

(29) Revoke shall mean to permanently void and recall all rights and privileges of a license;

(30) Generic label shall mean a label which is not protected by a registered trademark, either in whole or in part, or to which no person has acquired a right pursuant to state or federal statutory or common law;

(31) Private label shall mean a label which the purchasing wholesaler, retailer, or bottle club licensee has protected, in whole or in part, by a trademark registration or which the purchasing wholesaler, retailer, or bottle club licensee has otherwise protected pursuant to state or federal statutory or common law;

(32) Farm winery shall mean any enterprise which produces and sells wines produced from grapes, other fruit, or other suitable agricultural products of which at least seventy-five percent is grown in this state;

(33) Campus, as it pertains to the southern boundary of the main campus of the University of Nebraska-Lincoln, shall mean the south right-of-way line of R Street and abandoned R Street from 10th to 17th streets;

(34) Brewpub shall mean any restaurant or hotel which produces on its premises a maximum of five thousand barrels of beer per year for sale at retail for consumption on the licensed premises and which sells not more than ~~ten~~ fifty percent of its annual production for consumption off the premises as provided in section 53-123.14;

(35) Manager shall mean a person appointed by a corporation to oversee the daily operation of the business licensed in Nebraska. A manager shall meet all the requirements of the act as though he or she were the applicant, except for residency and citizenship;

(36) Shipping license shall mean a license granted pursuant to section 53-123.15; and

(37) Sampling shall mean consumption on the premises of a retail licensee of not more than five samples of one fluid ounce or less of alcoholic liquor by the same person in a twenty-four-hour period.

Sec. 2. Section 53-123.14, Revised Statutes Supplement, 1994, is amended to read:

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~~ licensee 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~~ A brewpub licensee may also sell not more than fifty percent of his or her annual production for consumption off the premises, and sale for consumption off the premises shall not be to any other licensee under the Nebraska Liquor Control Act. The brewpub licensee ~~. 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~~ brewpub licensee may obtain an annual catering license pursuant to section 53-124.12 or a special designated license pursuant to section 53-124.11.

Sec. 3. Original sections 53-103 and 53-123.14, Revised Statutes Supplement, 1994, are repealed.".

VISITORS

Visitors to the Chamber were 12 students and instructor from the Lincoln School of Commerce; Mrs. Deb Kuhlman from Lincoln and Jerry and Rita Stovie from Omaha; 28 third and fourth grade students and teacher from Trinity Lutheran, Lincoln; 25 students and teacher from Anderson-Grove Elementary, Papillion-LaVista School District; former Senator Connie Day from Norfolk; and Senator Schimek's mother, Ib Rebman, from Lincoln.

The Doctor of the Day was Don Frey from Gretna.

ADJOURNMENT

At 9:39 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 8:30 a.m., Wednesday, April 3, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FIFTH DAY - APRIL 3, 1996

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 3, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by John Hodges, Pastor Emeritus, Oak Hill Farm, Julian, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Chambers, Hilgert, Kristensen, Landis, Lindsay, Lynch, Wesely, Will, Mmes. Crosby, McKenzie, Robak, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1775, line 3, strike "long-tern" and insert "long-term".
Page 1791, line 35, strike "AM7265" and insert "AM7264".
The Journal for the fifty-fourth day was approved as corrected.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Governor Appointments Thursday, April 11, 1996 1:15 p.m.
Commission for the Hearing Impaired
Phyllis J. Johnson
Dr. Jerry W. Zenor

Rural Health Advisory Commission
Gary J. Pavel
Alice M. Kindschuh
Dr. Bob Rhodes
Diane Schlotman

Margaret Cavanaugh-Boyer, M.D.
Michael Stickler

State Board of Health
Connie J. Day
Gary Bieganski

(Signed) Don Wesely, Chairperson

WITHDRAW - Amendment to LB 256

Mrs. Hudkins withdrew her amendment, AM3857, found in the Journal on page 1294, to LB 256.

MOTION - Return LB 256 to Select File

Mrs. Hudkins moved to return LB 256 to Select File for her specific amendment, AM4195, found in the Journal on page 1706.

MR. COORDSEN PRESIDING

The Hudkins motion to return prevailed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 256. The Hudkins specific amendment, AM4195 found in the Journal on page 1706, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 256A to Select File

Mrs. Hudkins moved to return LB 256A to Select File for her specific amendment, AM4258, found in the Journal on page 1706.

The Hudkins motion to return prevailed with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 256A. The Hudkins specific amendment, AM4258, found in the Journal on page 1706, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 642

Mrs. Hillman withdrew the Hillman et al. amendment, AM3396, found in the Journal on page 1033, to LB 642.

MOTION - Return LB 642 to Select File

Mr. Avery moved to return LB 642 to Select File for his specific amendment, AM4236, found in the Journal on page 1696.

Messrs. Withem and Klein asked unanimous consent to be excused until they return. No objections. So ordered.

The Avery motion to return prevailed with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 642. The Avery specific amendment, AM4236, found in the Journal on page 1696, was adopted with 31 ayes, 2 nays, 6 present and not voting, and 10 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 642A to Select File

Mr. Avery moved to return LB 642A to Select File for his specific amendment, AM4286, found in the Journal on page 1752.

The Avery motion to return prevailed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Messrs. Robinson and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 642A. The Avery specific amendment, AM4286, found in the Journal on page 1752, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1248 to Select File

Mr. Vrtiska moved to return LB 1248 to Select File for his specific amendment, AM4107, found in the Journal on page 1508.

The Vrtiska motion to return prevailed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1248. The Vrtiska specific amendment, AM4107, found in the Journal on page 1508, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 604 to Select File

Mrs. Pirsch moved to return LB 604 to Select File for her specific amendment, AM3999, found in the Journal on page 1406.

The Pirsch motion to return prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 604. The Pirsch specific amendment, AM3999, found in the Journal on page 1406, was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 604 to Select File

Mr. Schrock moved to return LB 604 to Select File for his specific amendment, AM4282, found in the Journal on page 1753.

The Schrock motion to return prevailed with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 604. The Schrock specific amendment, AM4282, found in the Journal on page 1753, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 1059. Placed on Select File as amended.
(E & R amendment, AM7296, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David I. Maurstad, Chairperson

SPEAKER WITHEM PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Hilgert 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 43.

A BILL FOR AN ACT relating to the Nebraska Disaster and Civil Defense Act of 1973; to amend sections 18-1714, 23-2519, 48-126.01, 55-120, 60-6,164, 68-703, 81-829.31, 81-829.36 to 81-829.41, 81-829.43, 81-829.46 to 81-829.62, 81-829.64, 81-829.65, 81-829.69, 81-829.70, 81-829.72, 81-829.73, 81-1120.17, 81-1120.25, and 86-702, Reissue Revised Statutes of Nebraska, sections 2-4901, 18-1712, 31-727, 31-740, 31-744, 48-115, 71-5120, and 71-7318, Revised Statutes Supplement, 1994, sections 77-3439 and 81-829.42, Revised Statutes Supplement, 1995, and section 81-829.45, Reissue Revised Statutes of Nebraska, as amended by section 2, Legislative Bill 966, Ninety-fourth Legislature, Second Session, 1996; to add, change, and eliminate provisions relating to civil defense; to provide for emergency management services and operations; to provide for expenditures for aerial fire suppression; to eliminate provisions relating to an oath and to assent to a federal law; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-829.44, 81-829.63, and 81-829.74, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Bernard-Stevens	Bohlke	Chambers	Cudaback
Avery	Beutler	Bromm	Coordsen	Dierks
		Brown	Crosby	Elmer

Engel	Jones	McKenzie	Schellpeper	Warner
Fisher	Klein	Pedersen	Schimek	Wehrbein
Hartnett	Kristensen	Pirsch	Schmitt	Wesely
Hillman	Lynch	Preister	Schrock	Wickersham
Hudkins	Matzke	Robak	Stuhr	Witek
Janssen	Maurstad	Robinson	Vrtiska	Withem
Jensen				

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 4:

Hilgert	Landis	Lindsay	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 700. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 79-1501, 79-1522.01, 79-1551, and 79-3811, Reissue Revised Statutes of Nebraska, and sections 79-1501.01, 79-1531, and 81-2014, Revised Statutes Supplement, 1995; to define terms; to maintain the purchasing power of retirement benefits as prescribed; to create funds and provide for their uses; to require the transfer of funds; to provide duties for the Public Employees Retirement Board; to eliminate provisions relating to the Help Education Lead to Prosperity Act; to provide a duty for the Revisor of Statutes; to repeal the original sections; to outright repeal sections 79-3501 to 79-3509.01, 79-3509.03, and 79-3510, Reissue Revised Statutes of Nebraska, as amended by sections 505 to 514, 516, and 517, respectively, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, and section 79-3509.02, Revised Statutes Supplement, 1995, as amended by section 515, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bernard-Stevens	Bohlke	Chambers	Cudaback
Avery	Beutler	Bromm	Coordsen	Dierks
		Brown	Crosby	Elmer

Engel	Jensen	Maurstad	Schellpeper	Warner
Fisher	Jones	McKenzie	Schimek	Wehrbein
Hartnett	Klein	Pedersen	Schmitt	Wesely
Hillman	Kristensen	Pirsch	Schrock	Wickersham
Hudkins	Lynch	Preister	Stuhr	Withem
Janssen	Matzke	Robak	Vrtiska	

Voting in the negative, 1:

Witek

Present and not voting, 2:

Brashear Robinson

Excused and not voting, 4:

Hilgert Landis Lindsay 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 700A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 90-511, Revised Statutes Supplement, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 700, Ninety-fourth Legislature, Second Session, 1996; to change appropriations; 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	Crosby	Jensen	Pedersen	Schrock
Avery	Cudaback	Jones	Pirsch	Stuhr
Bernard-Stevens	Dierks	Klein	Preister	Vrtiska
	Elmer	Kristensen	Robak	Warner
Bohlke	Engel	Lynch	Robinson	Wehrbein
Bromm	Hartnett	Matzke	Schellpeper	Wesely
Brown	Hillman	Maurstad	Schimek	Wickersham
Chambers	Hudkins	McKenzie	Schmitt	Withem
Coordsen	Janssen			

Voting in the negative, 1:

Witek

Present and not voting, 3:

Beutler Brashear Fisher

Excused and not voting, 4:

Hilgert Landis Lindsay 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.

ATTORNEY GENERAL'S OPINION

Opinion No. 96027

DATE: April 1, 1996

SUBJECT: LB 1375; Constitutionality of a Proposed Procedure Whereby the Executive Board of the Legislative Council Would Approve Certain Contracts of State Agencies Which Relate to the Sale of Public Records for a Fee

REQUESTED BY: Senator Jerome Warner
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Steven Grasz, Deputy Attorney General

You have requested an opinion from this office regarding the constitutionality of the Bromm-Hillman amendment (AM4153) to LB 1375, which amendment was tentatively approved by the Legislature on March 27, 1996. Your concern with the amendment is two-fold: first, that its provisions violate the separation of powers provision of Article II, Section 1 of the Nebraska Constitution and, second, that the measure improperly delegates powers of the Legislature to the Executive Board of the Legislative Council.

LB 1375 Provisions

Following adoption of the Bromm-Hillman amendment, LB 1375 now provides, in pertinent part:

> Sec. 3. An agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records for a fee if the public record would otherwise be free under state law or for a fee greater than allowed by state law unless specifically authorized by section 4 of this act. Any such contract in

existence on the effective date of this act shall be terminated on January 31, 1998.

Sec. 4. Subject to the approval of the Executive Board of the Legislative Council of any proposed fee not specified in state law for accessing public records, any agency which is party to a contract (1) terminated by section 3 of this act or (2) not authorized under existing state statutes and which is related to the provision of public records, may contract for the provision of public records for a term not to extend beyond January 31, 1998.

The review by the executive board of a contract in existence on the effective date of this act under section 3 of this act shall be limited to the quality of the services provided, the security of the public records, any proposed increases in fees for services initiated by the parties to the contract, and any expansion or reduction in the level of services provided as of the effective date of this act.

For purposes of these provisions, the term "agency" would mean "all state agencies, departments, boards, commissions, and committees, the executive branch of state government, the judicial branch of state government, and the legislative branch of state government." LB 1375 (as amended by AM4153), § 1(1).

Analysis

Your first question is whether the process set forth in sections 3 and 4 of LB 1375 violates the separation of powers clause of the Nebraska Constitution, which provides:

{t}he 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.

"The purpose of the clause is to establish the permanent framework of our system of government, to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." **State ex rel. Stenberg v. Murphy,** 247 Neb. 358, 364, 527 N.W.2d 185, 192 (1995). Moreover, "{t}he clause prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives. . . . The clause thereby provides a check against the concentration of power. . . ." **Id. (citing State ex rel. Spire v. Conway,** 238 Neb. 766, 472 N.W.2d 403 (1991)); **see also State ex rel. Meyer v. State Board of Equalization & Assessment,** 185 Neb. 490, 176 N.W.2d 920 (1970).

Thus, Article II, Section 1 "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). **See also State ex rel. Howard v. Marsh,** 146 Neb. 750, 21 N.W.2d 503 (1946); **State ex rel. Sorensen v. State Bank of Minatare,** 123 Neb. 109, 242 N.W. 278 (1932); **Searle v. Yensen,** 118 Neb. 835, 226 N.W. 464 (1929).

We find that the procedure set forth in sections 3 and 4 of LB 1375, which would require the Legislature's **approval** of certain executive or judicial branch contracts, is violative of the state Constitution's separation of powers clause. Our conclusion is based upon the same considerations outlined in four previous opinions in which we considered the propriety of legislative bills which proposed procedures similar to those set out in the Bromm-Hillman amendment.

In 1992, we assessed a proposed amendment which would have vested the Executive Board of the Legislative Council with continued control over the Department of Administrative Services' management of a construction project. Op. Att'y Gen. No. 92-054 (April 1, 1992). This office concluded that the continued control over the construction project would have impermissibly involved the Legislature in functions of the executive branch of government. **Id.** at 3. Similarly, in 1987, we found suspect a proposed procedure for distribution of the Nebraska Energy Settlement Fund whereby the Governor developed a fund disbursement plan and submitted it to the Legislature. Op. Att'y Gen. No. 87-114 (December 9, 1987). No fund assets could be distributed without an appropriation based upon the Legislature's approval. Our concern related to the requirement that the Governor submit a plan for review and approval by the Legislature. **Id.** at 3. We determined that the proposed disbursement procedure violated Article II, Section 1:

> The Legislature is, in essence, requiring legislative approval before expenditure of the funds. The fact that the bill is written in terms of legislative approval for the appropriation does not alter the clear intent of the act requiring legislative approval for the expenditure. The Legislature is in effect attempting to both make the law and administer it, {to} appropriate money, and spend it. This is a violation of the separation of powers article of the Constitution of the State of Nebraska.

Id.

In 1977, we also found constitutionally suspect a proposal requiring legislative approval of an agency's planned expenditures from the Nebraska Outdoor Recreation Development Cash Fund. 1977-78 Rep. Att'y Gen. 77 (Opinion No. 53, dated March 24, 1977). As drafted and presented for our review, the legislative bill would have required the Game and Parks Commission to present its expenditure plan to the Legislature's Appropriations Committee "for its approval." **Id.** (citing LB 109, § 22). We determined that

> {a}n attempt to authorize a legislative veto of executive judgment would violate Article II, § 1. . . . While the Legislature is fully authorized to limit executive choices by appropriate restrictions through enactment of statutes, once a statute is enacted or an appropriation made the Legislature has no further authority.

Id.

Finally, in 1963, we considered the propriety of a bill which would have prohibited the expenditure of funds from the State Institutional Building Fund for construction of state buildings unless prior authorization of the Legislature was obtained. 1963-64 Rep. Att'y Gen. No. 37 (Opinion No. 22, dated February 26, 1993). We stated:

> It is our conclusion that, while the Legislature has exclusive control over appropriations and the granting of the power to take title to real estate, it must exercise this control when it passes the bills in which it limits or restricts, or permits the action of the executive agency involved. **It may not retain control over the expenditure or use of the power by requiring approval of the Legislature or any committee of the Legislature subsequent to the passage of the law in which the appropriation or power is given.** To do so is to invade the executive functions in such a manner as to violate Article II of the Nebraska Constitution requiring the separation of powers of government.

Id. at 39 (emphasis added).

The approval process now contained in sections 3 and 4 of LB 1375 is quite similar to each of the proposals discussed in our prior opinions. Section 4 of the bill requires the Executive Board of the Legislative Council to approve certain aspects of any specified contracts executed by executive, judicial, and legislative agencies. We conclude that this continued control would impermissibly involve the Legislature in administrative functions of the judicial and executive branches of government. Assuming the agencies of those branches have been vested with the power to contract, then the terms of any contracts executed pursuant to that authority are not subject to review by the Legislature.

Correcting the LB 1375 Defect

Although we have concluded that LB 1375, as now drafted, violates Article II, § 1 of the state Constitution, we believe that the defect may be remedied by replacing the proposed "approval" process with a "reporting" process whereby state agencies entering into contracts affected by the bill would be required to report such contracts to the Executive Board of the Legislative Council. Such an amendment would still guarantee the Legislature's awareness of the existence of the contracts. Given that the bill proposes to terminate any existing or future contracts on January 31, 1998, a reporting mechanism would provide the Legislature with the requisite information to take further action on this subject matter during the 1997 legislative session.

Improper Delegation Issue

You have also asked us to address whether the LB 1375 provision requiring approval of a contract by the Executive Board of the Legislative Council constitutes an improper delegation of legislative authority to the Council. We have previously concluded that "the Legislative Council and its Executive Board are creatures of the Legislature which are not separate and distinct from it, but merely part of the Legislature itself." Op. Att'y Gen. No. 92-054 at 3; **see also** Op.

Att'y Gen. No. 81-049 (March 6, 1981); Op. Att'y Gen. No. 81-050 (March 13, 1981). Thus, the Executive Board of the Legislative Council may legitimately "perform investigatory and other functions for the Legislature so long as {it does} not perform duties specifically required of the Legislature itself in the Nebraska Constitution." **Id.**

As currently drafted, sections 3 and 4 of LB 1375 are unconstitutional in that those provisions grant power to the Executive Board of the Legislative Council to, on behalf of the Legislature, vest agencies with authority to execute specified contracts. To the extent that the current provisions would allow the Executive Board to approve contracts entered into by agencies which, prior to enactment of LB 1375, did not have statutory authority to execute those contracts, then sections 3 and 4 of the bill impermissibly delegate the Legislature's power to enact laws to the Executive Board. Should LB 1375 be amended to establish a reporting or monitoring -- rather than an "approval" -- mechanism, then we see no constitutional problem with delegating coordination of the reporting or monitoring procedure to the Executive Board of the Legislative Council.

Conclusion

In conclusion, LB 1375, as currently drafted, violates Article II, § 1 of the Nebraska Constitution. The defect in the legislation could be repaired by an amendment which would require state agencies to notify or report to the Legislature when certain contracts are entered into but would not require legislative approval prior to execution of those contracts.

Sincerely,
DON STENBERG
Attorney General
(Signed) L. Steven Grasz
Deputy Attorney General

24-25-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 465. Introduced by Wesely, 26; Abboud, 12; Avery, 3; Bernard-Stevens, 42; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Fisher, 35; Hilgert, 7; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Lindsay, 9; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Pedersen, 39; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Warner, 25; Wickersham, 49; Witek, 31; Withem, 14; Klein, 19.

WHEREAS, the University of Nebraska-Lincoln mens' basketball team captured the 1996 National Invitational Tournament title on March 28, 1996; and

WHEREAS, the University of Nebraska-Lincoln mens' basketball team capped its one hundredth season with a first-ever national postseason tournament championship; and

WHEREAS, the University of Nebraska-Lincoln mens' basketball team played their best basketball of the season by advancing to the NIT championship game for the first time in Nebraska history; and

WHEREAS, Nebraska is the first Big Eight Conference team to win the NIT in over fifty years; and

WHEREAS, the University of Nebraska-Lincoln mens' basketball team players and coaches deserve special recognition for their success in the NIT.

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

1. That the Legislature congratulates and commends the University of Nebraska-Lincoln mens' basketball team players and Coach Danny Nee and his staff for winning the 1996 National Invitational Tournament championship.

2. That a copy of this resolution be sent to the University of Nebraska-Lincoln mens' basketball team.

Laid over.

LEGISLATIVE RESOLUTION 466. Introduced by Wehrbein, 2.

WHEREAS, in accordance with section 85-1415, the Board of Regents of the University of Nebraska has submitted to the Coordinating Commission for Postsecondary Education plans for the construction of a six hundred-stall parking structure on the west end of the University of Nebraska-Lincoln city campus, which plans also include space for the relocation of Parking Services and the Athletic Ticket Office and 8,100 gross square feet of retail space at an estimated cost of $7,655,000 (the project) to be funded from the proceeds of revenue bonds issued by the board and repaid over a twenty-year period; and

WHEREAS, the Coordinating Commission for Postsecondary Education has recommended approval of the project by the Legislature; and

WHEREAS, the board has submitted the project to the Legislature for its approval in accordance with section 85-404.

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

1. That pursuant to section 85-404, plans for the construction of a six hundred-stall parking structure on the west end of the University of Nebraska-Lincoln city campus, which plans also include space for the relocation of Parking Services and the Athletic Ticket Office and 8,100 gross square feet of retail space at an estimated cost of $7,655,000 (the project) to be funded from the proceeds of revenue bonds issued by the Board of Regents of the University of Nebraska and repaid over a twenty-year period are approved.

2. That revenue bonds of the board may be issued in an amount sufficient to pay the costs of the project plus any amounts required to pay the interest on such bonds during the period of construction, to fund any necessary reserves, and to pay the costs of the issuance of such bonds.

Laid over.

WITHDRAW - Amendments to LB 1050

Mr. Abboud withdrew his amendments, AM4233 and AM4234, found in the Journal on page 1736, to LB 1050.

MOTION - Return LB 1050 to Select File

Mr. Abboud moved to return LB 1050 to Select File for his specific amendment, AM4348, found in the Journal on page 1808.

MR. BERNARD-STEVENS PRESIDING

PRESIDENT ROBAK PRESIDING

Messrs. Lynch, Matzke, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke 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. Abboud requested a roll call vote on his motion to return LB 1050 to Select File.

Voting in the affirmative, 19:

Abboud	Cudaback	Kristensen	Schellpeper	Vrtiska
Bromm	Hudkins	Pirsch	Schmitt	Wehrbein
Brown	Jensen	Preister	Schrock	Wickersham
Coordsen	Jones	Robak	Stuhr	

Voting in the negative, 25:

Avery	Chambers	Hartnett	Landis	Schimek
Bernard-Stevens	Crosby	Hilgert	Maurstad	Warner
Beutler	Elmer	Hillman	McKenzie	Wesely
Bohlke	Engel	Janssen	Pedersen	Witek
Brashear	Fisher	Klein	Robinson	Withem

Excused and not voting, 5:

Dierks	Lindsay	Lynch	Matzke	Will

The Abboud motion lost with 19 ayes, 25 nays, and 5 excused and not voting.

Mr. Abboud moved to return LB 1050 to Select File for his specific amendment, AM4349, found in the Journal on page 1808.

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

Mr. Abboud withdrew his motion to return.

MOTION - Suspend Rules

Mrs. Bohlke renewed her pending motion, found in the Journal on page 1809, to suspend the rules, Rule 6, Sections 6 and 8, and Rule 7, Sections 3 and 7, and proceed to Final Reading of LB 1050 without further motion or amendment.

The Bohlke motion to suspend the rules prevailed with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1050. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 77-913, 79-402, 79-516.08, 79-1522.01, 79-3404, 79-3409, 79-3802, 79-3805, 79-3807, 79-3808, 79-3810, 79-3811, 79-3817, and 79-3822, Reissue Revised Statutes of Nebraska, and sections 79-4,176.01, 79-4,179.01, 79-4,180, 79-3801, 79-3803, 79-3804, 79-3806, 79-3806.01, 79-3809, 79-3811.01, 79-3811.02, 79-3812, 79-3813, and 79-3819, Revised Statutes Supplement, 1995; to change provisions and dates relating to calculating state aid to schools; to change provisions relating to the Student Discipline Act and depopulated districts; to authorize distributions from the Insurance Tax Fund for equalization aid; to change provisions relating to budget limitations; to change provisions

relating to the enrollment option program and payments for option students; to change dates relating to federal impact aid; to provide incentives for reorganized districts and reorganization studies; to establish the Retirement Incentive Plan and Staff Development Assistance for certain reorganized districts; to provide for a study; to harmonize provisions; to provide severability; 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:

Avery	Cudaback	Janssen	McKenzie	Stuhr
Bernard-Stevens	Elmer	Klein	Pedersen	Vrtiska
Beutler	Engel	Landis	Pirsch	Warner
Bohlke	Fisher	Lindsay	Preister	Wehrbein
Brashear	Hartnett	Lynch	Robinson	Wesely
Chambers	Hilgert	Matzke	Schellpeper	Witek
Crosby	Hillman	Maurstad	Schimek	Withem
	Hudkins			

Voting in the negative, 11:

Abboud	Coordsen	Jones	Robak	Schrock
Bromm	Jensen	Kristensen	Schmitt	Wickersham
Brown				

Excused and not voting, 2:

Dierks	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 1050A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 90-511, Revised Statutes Supplement, 1995; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996; 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, 39:

Avery	Coordsen	Hillman	Maurstad	Schrock
Bernard-Stevens	Crosby	Hudkins	McKenzie	Stuhr
Beutler	Cudaback	Janssen	Pedersen	Vrtiska
Bohlke	Elmer	Kristensen	Pirsch	Warner
Brashear	Engel	Landis	Preister	Wesely
Bromm	Fisher	Lindsay	Robinson	Wickersham
Chambers	Hartnett	Lynch	Schellpeper	Witek
	Hilgert	Matzke	Schimek	Withem

Voting in the negative, 5:

Abboud	Jensen	Jones	Robak	Schmitt

Present and not voting, 3:

Brown	Klein	Wehrbein

Excused and not voting, 2:

Dierks	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: LBs 43, 700, 700A, 1050, and 1050A.

UNANIMOUS CONSENT - Members Excused

Messrs. Hartnett, Lynch, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1114. Mr. Vrtiska renewed his pending amendment, AM4148, found in the Journal on page 1614.

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

Mr. Vrtiska withdrew his amendment.

Messrs. Maurstad, Schrock, and Avery withdrew their amendment, AM4216, found in the Journal on page 1670.

Mr. Schellpeper renewed his pending amendment, AM4264, found in the Journal on page 1716.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 467. Introduced by Robak, 22.

WHEREAS, Matthew Wright is a champion speller for the second year in a row; and

WHEREAS, Matthew Wright is an eighth-grader at Bible Baptist Christian School in Columbus, Nebraska; and

WHEREAS, Matthew Wright won the Platte County spelling bee for the fourth consecutive year; and

WHEREAS, Matthew Wright earned his right to compete in the national spelling bee finals in Washington, D.C., by defeating competitors from Nebraska and western Iowa counties at the Midwest Spelling Bee.

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

1. That the Legislature extends its congratulations and best wishes to Matthew Wright.

2. That a copy of this resolution be sent to Matthew Wright.

Laid over.

MESSAGE FROM THE GOVERNOR

April 3, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 414, 414A, 1044, and 1044A were received in my office on March 28, 1996.

These bills were signed by me on April 3, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

AMENDMENT - Print in Journal

Mr. Wehrbein filed the following amendment to LB 1290:
AM4302

1. On page 2, line 19, after the period insert "The required certification shall be made after consultation with and upon the advice of the Legislative Fiscal Analyst.".

2. On page 3, line 9, strike "immediately"; and in line 10 after the period insert "The required certification shall be made after consultation with and upon the advice of the Legislative Fiscal Analyst.".

VISITORS

Visitors to the Chamber were 34 fourth grade students and teachers from Stanton Elementary School; 25 first grade students and sponsors from St. Bonaventure School, Columbus; 22 seniors, teacher, and sponsor from Sterling High School; Kevin Fry from Ewing; ten students and teacher from Conestoga High School, Murray; 40 fourth grade students and sponsors from Mockingbird Elementary School, Ralston; Susan and Rich Rodenberg and Darlene Tussing from Lincoln; Mayor Cathy Walters, Carl York, and Amy Munson from Cozad; and 28 fifth grade students from North Side School, Fremont.

RECESS

At 11:55 a.m., on a motion by Mr. Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Coordsen, Elmer, Hartnett, Kristensen, Landis, Matzke, Robinson, Schmitt, Vrtiska, Will, Mmes. McKenzie, and Robak who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 1996, at 12:35 p.m., were the following bills: 43, 700, 700A, 1050, and 1050A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 1114. Mr. Beutler asked unanimous consent to replace his pending amendment, AM4273, found in the Journal on page 1724, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM4273, found in the Journal on page 1724.

Mr. Beutler renewed his pending substitute amendment, AM4334, found in the Journal on page 1806.

Messrs. Abboud and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Brashear 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 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek requested a record vote on the Beutler amendment.

Voting in the affirmative, 10:

Bernard-Stevens	Crosby	Landis	Schellpeper	Schrock
Beutler	Klein	Maurstad	Schimek	Wesely

Voting in the negative, 27:

Abboud	Dierks	Hartnett	Jones	Preister
Avery	Elmer	Hilgert	Kristensen	Robinson
Bohlke	Engel	Janssen	McKenzie	Schmitt
Coordsen	Fisher	Jensen	Pirsch	Stuhr

Vrtiska	Wehrbein	Will	Witek	Withem
Warner	Wickersham			

Present and not voting, 7:

Brown	Hillman	Lindsay	Lynch	Pedersen
Chambers	Hudkins			

Excused and not voting, 5:

Brashear	Bromm	Cudaback	Matzke	Robak

The Beutler amendment lost with 10 ayes, 27 nays, 7 present and not voting, and 5 excused and not voting.

Messrs. Janssen and Bromm renewed their pending amendment, AM4295, found in the Journal on page 1806.

Mr. Warner offered the following amendment to the Janssen-Bromm pending amendment:
FA611
Amend AM4295 (to AM7264)
line 6 strike "July 19" and insert "April 1"

MRS. CROSBY PRESIDING

Messrs. Lindsay, Withem, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 1368:
AM4361
1. In the Chambers amendment, FA589, strike the underscored matter and insert ". Nothing in this section shall be construed to limit the right of an employee subject to a collective bargaining agreement to negotiate relative to such programs.".

Mr. Brashear filed the following amendment to LB 1368:
AM4362
1. On page 2, line 24, after "then" insert ", if the agreement between the company and the state provides that this section shall apply"; in line 25 strike "the wage benefit credit allowed in"; and in line 26 strike "be allowed" and insert "receive".

Mr. Brashear filed the following amendment to LB 1368:

AM4363
1. On page 3, line 3, strike "the manner" and insert "accordance with the methodology".

MOTION - Suspend Rules

Mr. Brashear moved to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1368 without further amendment or debate.

Laid over.

AMENDMENT - Print in Journal

Mr. Brashear filed the following amendment to LB 1264:
AM4365
(Amendments to E & R amendments, AM7282)
1. On page 4, line 12, strike "any" and insert "such".

MOTION - Suspend Rules

Mr. Brashear moved to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 1264 without further amendment or debate.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 1050.

(Signed) Eric Will

SELECT FILE

LEGISLATIVE BILL 1114. The Warner pending amendment, FA611, found in this day's Journal, to the Janssen-Bromm pending amendment, AM4295, was renewed.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Warner offered the following amendment to the Janssen-Bromm pending amendment:
FA612
Amend AM4295 (Janssen)
Strike from "amounts" on line 2 through "and" on line 4

Mmes. Bohlke, Crosby, Messrs. Landis, Abboud, Coordsen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

MR. BERNARD-STEVENS PRESIDING

Mr. Warner withdrew his amendment.

Mr. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Janssen-Bromm amendment, AM4295, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Messrs. Warner and Wickersham offered the following amendment: (Amendment on file in the Clerk's Office - Room 2018 - AM4364.)

The Warner-Wickersham amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schrock requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 7 nays, 7 present and not voting, and 9 excused and not voting.

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

LEGISLATIVE BILL 299. E & R amendment, AM7265, printed separately and referred to on page 1604, was adopted.

Mr. Warner withdrew his amendment, AM4322, found in the Journal on page 1807.

Messrs. Warner, Coordsen, Kristensen, and Mrs. Bohlke renewed their pending amendment, AM4281, printed separately and referred to on page 1807.

Mr. Warner asked unanimous consent to replace his pending amendment, AM4323, found in the Journal on page 1807, with a substitute amendment. No objections. So ordered.

Mr. Warner withdrew his amendment, AM4323, found in the Journal on page 1807.

Mr. Warner offered the following substitute amendment to the Warner et al. pending amendment:
AM4373

(Amendments to AM4281)

1. Insert the following new section:

"Sec. 17. There is hereby appropriated $5,000 from the General Fund for FY1996-97 to the Auditor of Public Accounts, for Program 506, 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.".

2. On page 1, line 19, strike "school districts and".

3. On page 3, strike beginning with "The" in line 9 through the period in line 12.

4. On page 5, line 25, strike "section 2 of this act" and insert "the Tax Equity and Educational Opportunities Support Act".

5. On page 12, strike beginning with "For" in line 14 through line 23 and insert "For purposes of this subsection, the growth in students shall be the percentage increase in the number of students calculated by dividing the fall membership count from the school year immediately preceding the school year for which the budget is being determined multiplied by the average ratio of average daily membership to fall membership for the most recent available data year and the two school years prior to that year by the average daily membership in the school district from the second school year preceding the year for which the budget is being determined and then subtracting one from the ratio. If the calculated growth in students is negative, the growth in students shall be zero for the purposes of this section.".

6. Renumber the remaining sections accordingly.

The Warner amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Warner et al. amendment, AM4281, as amended, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Messrs. Bromm and Janssen asked unanimous consent to have their names added as cointroducers to the Withem amendment, AM4278, found in the Journal on page 1731. No objections. So ordered.

Messrs. Withem, Bromm, and Janssen renewed their pending amendment, AM4278, found in the Journal on page 1731.

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

Mr. Chambers offered the following amendment to the Withem et al. pending amendment:
FA613
Amend Withem amendment (AM7265)
On page 1 in line 15 after "Legislature," insert "State Senator Ernie Chambers;"

Mr. Wickersham 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 lost with 6 ayes, 9 nays, and 34 not voting.

Mr. Chambers withdrew his amendment.

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

Mr. Chambers offered the following amendment to the Withem et al. pending amendment:
FA614
Amend Bromm amendment (AM7265)
1. On page 1, strike subsections (2) through (6);
2. In line 6, insert "(2) Seven additional Members of the Legislature to be selected by the Executive Board; and";
3. Renumber
4. In line 17, strike "subdivision (1) through (6)" and insert "subdivisions (1) and (2)".

The Chambers amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Withem et al. amendment, AM4278, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Avery renewed his pending amendment, AM4341, found in the Journal on page 1808.

Mr. Schrock, Mmes. Robak, and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?"

Mr. Will moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis requested a record vote on the Avery amendment.

Voting in the affirmative, 3:

Avery	Fisher	Schellpeper

Voting in the negative, 32:

Abboud	Coordsen	Hudkins	Matzke	Warner
Bernard-Stevens	Dierks	Janssen	Maurstad	Wehrbein
Brashear	Elmer	Jones	McKenzie	Wesely
Bromm	Engel	Klein	Pirsch	Will
Brown	Hartnett	Kristensen	Preister	Witek
Chambers	Hilgert	Landis	Stuhr	Withem
	Hillman	Lindsay		

Present and not voting, 8:

Beutler	Cudaback	Lynch	Schmitt	Vrtiska
Bohlke	Jensen	Robinson		

Excused and not voting, 6:

Crosby	Robak	Schimek	Schrock	Wickersham
Pedersen				

The Avery amendment lost with 3 ayes, 32 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Janssen asked unanimous consent to replace his pending amendment, AM4317, found in the Journal on page 1807, with a substitute amendment. No objections. So ordered.

Mr. Janssen withdrew his amendment, AM4317, found in the Journal on page 1807.

Mr. Janssen offered the following substitute amendment:
AM4375

(Amendments to AM4281)

1. On page 4, line 14, strike "or"; and in line 17 after

"1973" insert ", or (5) restricted funds budgeted to pay for judgments obtained against a governmental unit which require or obligate a governmental unit to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a governmental unit".

2. On page 15, line 6, strike "or"; and in line 9 after "1973" insert ", (e) expenditures to pay for judgments obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a school district, or (f) expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment".

The Janssen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

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

Messrs. Lindsay and Maurstad renewed their pending amendment, AM4073, found in the Journal on page 1699.

SPEAKER WITHEM PRESIDING

Mr. Warner requested a ruling of the Chair on whether the Lindsay-Maurstad amendment is germane to the bill.

The Chair ruled the Lindsay-Maurstad amendment is not germane to the bill.

Messrs. Maurstad and Landis renewed their pending amendment, AM4225, found in the Journal on page 1740.

The Maurstad-Landis amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Withem withdrew his amendment, AM4077, found in the Journal on page 1485.

Messrs. Lindsay, Coordsen, Robinson, Jensen, and Brashear offered the following amendment:
AM4309

(Amendments to AM4281)

1. Insert the following new sections:

"Sec. 11. Section 48-801.01, Revised Statutes Supplement, 1995, is amended to read:

48-801.01. Sections 48-801 to 48-838 and section 12 of this act shall be known and may be cited as the Industrial

Relations Act.

Sec. 12. The Commission of Industrial Relations shall establish rates of pay and conditions of employment according to the requirements of section 48-818 and, in establishing wage rates for employees of a political subdivision, the commission shall take into consideration the limitation in section 1 of this act and the commission shall limit any order or award increasing rates of pay, expressed as a percentage increase compared to the prior rates of pay to be increased by the order or award, to the percentage increase in limits allowed for a political subdivision in sections 1 and 3 of this act.".

2. On page 21, line 14, after "13-508," insert "48-801.01,".

3. Renumber the remaining sections accordingly.

PRESIDENT ROBAK PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Lindsay withdrew the Lindsay et al. amendment.

Mr. Kristensen offered the following amendment:
FA615

Amendment to AM4375

on lines 3 and 8 after "judgements" insert "except judgements on orders from the Commission on Industrial Relations"

The Kristensen amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Jensen offered the following amendment:
AM4387

(Amendments to AM4281)

1. Insert the following new sections:

"Sec. 11. Section 48-801.01, Revised Statutes Supplement, 1995, is amended to read:

48-801.01. Sections 48-801 to 48-838 and section 12 of this act shall be known and may be cited as the Industrial Relations Act.

Sec. 12. The Commission of Industrial Relations shall establish rates of pay and conditions of employment according to the requirements of section 48-818 and, in establishing wage rates for employees of a city or village, the commission shall take into consideration the limitation in section 2 of this act.".

2. On page 21, line 14, after "13-508," insert "48-801.01,".

3. Renumber the remaining sections accordingly.

Mr. Withem requested a ruling of the Chair on whether the Jensen amendment is germane to the bill.

The Chair ruled the Jensen amendment is not germane to the bill.

Mrs. Hudkins asked unanimous consent to be excused until she 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, 4 nays, and 29 not voting.

Mr. Bernard-Stevens 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.

Mr. Avery requested the roll call vote be taken in reverse order.

Voting in the affirmative, 34:

Bohlke	Engel	Kristensen	Pirsch	Wehrbein
Brashear	Hartnett	Landis	Preister	Wesely
Bromm	Hilgert	Lindsay	Robinson	Wickersham
Brown	Hillman	Lynch	Schmitt	Will
Coordsen	Janssen	Matzke	Stuhr	Witek
Dierks	Jensen	Maurstad	Vrtiska	Withem
Elmer	Jones	McKenzie	Warner	

Voting in the negative, 10:

Avery	Beutler	Crosby	Fisher	Schellpeper
Bernard-Stevens	Chambers	Cudaback	Klein	Schrock

Excused and not voting, 5:

Abboud	Hudkins	Pedersen	Robak	Schimek

Advanced to E & R for engrossment with 34 ayes, 10 nays, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1055A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1373A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 952. E & R amendment, AM7279, found in the Journal on page 1711, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1201. E & R amendment, AM7288, found in the Journal on page 1712, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1188. E & R amendment, AM7284, found in the Journal on page 1715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1188A. E & R amendment, AM7285, found in the Journal on page 1715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1174. E & R amendment, AM7228, found in the Journal on page 1221, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1230. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1211. E & R amendment, AM7243, found in the Journal on page 1286, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1211A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 465. E & R amendment, AM7276, found in the Journal on page 1672, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 465A. E & R amendment, AM7277, found in the Journal on page 1672, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1255. E & R amendment, AM7289, found in the Journal on page 1715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 27CA. Mr. Chambers withdrew his amendment, AM0938, found in the Journal on page 1191, First Session, 1995.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 29. E & R amendment, AM7292, found in the Journal on page 1786, was adopted.

Mr. Hilgert withdrew his amendment, AM4308, found in the Journal on page 1813.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 29A. Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 1368:
AM4383

1. Insert the following new section:

"Sec. 4. Section 77-4927, Revised Statutes Supplement, 1995, is amended to read:

77-4927. (1) If a company has entered into an agreement with the state pursuant to section 77-4928, employees who are employed at the project covered by the agreement, other than base-year employees, shall during each project year receive the wage benefit credit in the manner provided in the Quality Jobs Act.

(2) The wage benefit credit shall be paid or applied by the employee for company training programs, employee benefit programs, educational institution training programs, or company workplace safety programs, or any combination thereof, as designated by the employee or as agreed to by the company and employee.

(3) Except as provided in subsection (4) of this section, the wage benefit credit per employee shall be an amount equal to the Nebraska income tax withholding attributable to the employee's compensation for services rendered in connection with the project for the project year without regard to the credit calculation under subsection (6) of this section.

(4) The wage benefit credit total for the project per year shall not exceed five percent of the total compensation paid by the company in the year to all employees, other than base-year employees, for services rendered in connection with the project. If the total of the wage benefit credit exceeds five percent of the total compensation paid to all employees, other than base-year employees, the withholding in excess of five percent of each

employee's compensation shall be returned to the Department of Revenue in the manner provided in section 77-2756.

(5) The wage benefit credit shall be allowed for each project year.

(6) The wage benefit credit shall be withheld by the company from the employee's compensation in the normal manner provided by section 77-2753, except that the amount shall not be required to be paid over to the state under section 77-2756 and shall not constitute part of the trust fund or be owned by the state as provided in section 77-2757, but instead shall, to the extent of attributable tax liability, represent a credit in the calculation of each such employee's tax liability and shall be paid or applied for the programs in the manner that the company and employee have determined as allowed by the act. For purposes of the withholding reporting provisions of sections 77-2754 and 77-2756, the company shall report the wage benefit credit separately to the state and to the employee as a wage benefit credit. Each employee shall be allowed on his or her Nebraska income tax return a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123 equal to the wage benefit credit not to exceed (a) his or her income tax liability minus (b) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income. The calculation of this nonrefundable credit shall be included with the employee's tax return and reported as determined by the Department of Revenue. If any amount allowable as a wage benefit credit has been through error or otherwise improperly paid to the state, it shall be refunded to the person who paid it upon application for refund filed within three years after payment. If the wage benefit credit withheld by the company exceeds the nonrefundable credit allowed the employee as calculated in this subsection, the company shall refund the difference to the employee. The company may request verification or substantiation of the amount claimed. A company shall notify employees of the right to claim a refund under this subsection by April 1 of each year, and the claim for the refund from the company shall be made by September 1. The company shall pay the refund to an employee within thirty days after the date a claim is filed.".

2. On page 4, line 21, strike "and 79-4925" and insert ", 77-4925, and 77-4927"; and in line 27 strike "and 77-4925" and insert ", 77-4925, and 77-4927".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Warner filed the following amendment to LB 1121:
AM4268

(Amendments to Final Reading copy)

1. On page 21, line 10, after the period insert "No

credit shall be given on ethanol produced for or sold for use in the production of distilled spirits.".

Mr. Bromm filed the following amendment to LB 1226A:
AM4338

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $13,414,758 from the Petroleum Release Remedial Action Cash Fund for FY1995-96 and (2) $-0- from the Petroleum Release Remedial Action Cash Fund for FY1996-97 to the Department of Environmental Quality, for Program 513, to aid in carrying out the provisions of Legislative Bill 1226, Ninety-fourth Legislature, Second Session, 1996.

There is included in the appropriation to this program for FY1995-96 $7,755,000 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY1996-97 $-0- Cash Funds for state aid, which shall only be used for such purpose.

The unexpended balance existing in the Petroleum Release Remedial Action Cash Fund on June 30, 1996, is hereby reappropriated.

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 an additional $4,320,000 shall be appropriated from the Petroleum Release Remedial Action Cash Fund in FY1997-98.

Sec. 2. There is hereby appropriated $6,462,242 from federal funds for FY1995-96 to the Department of Environmental Quality, for Program 523, to aid in carrying out the provisions of Legislative Bill 1226, Ninety-fourth Legislature, Second Session, 1996.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Wesely filed the following amendment to LB 1155:
AM4382

(Amendments to E & R amendments, AM7236)

1. Insert the following new sections:

"Sec. 50. Section 71-5801, Revised Statutes Supplement, 1994, is amended to read:

71-5801. Sections 71-5801 to 71-5870 and section 52 of this act shall be known and may be cited as the Nebraska Health Care Certificate of Need Act.

Sec. 51. Section 71-5803, Revised Statutes Supplement, 1994, is amended to read:

71-5803. For purposes of the Nebraska Health Care Certificate of Need Act, unless the context otherwise requires, the definitions found in sections 71-5804 to 71-5828 and section 52 of

this act shall be used.

Sec. 52. Physician clinic shall mean a health clinic at which advice, counseling, diagnosis, treatment, care, or services relating to the preservation or maintenance of health is provided by a physician or physicians or other health care professionals under the supervision of a physician or physicians.

Sec. 53. Section 71-5805.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5805.01. Capital expenditure minimum shall mean a base amount of three million dollars for capital expenditures for residential care facilities, domiciliary facilities, and physician clinics which are not ambulatory surgical centers with any adjustments made by the department pursuant to this section. In all other cases, capital expenditure minimum shall mean a base amount of one million two hundred thousand dollars together with any adjustments made by the department pursuant to this section. 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 (1) from October 1, 1989, through the period most recently reported for the one million two hundred thousand dollar base and (2) from the operative date of this section through the period most recently reported for the three million dollar base.

Sec. 54. Section 71-5810, Revised Statutes Supplement, 1994, is amended to read:

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, ambulatory surgical centers, inpatient facilities owned or controlled by health maintenance organizations, rehabilitation facilities, and other comparable facilities without regard to location or ownership.

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, ~~or~~ (4) residential care facilities, (5) domiciliary facilities, (6) alcoholism or drug abuse treatment facilities which do not offer medical services under professional supervision, or (7) physician clinics.

Sec. 55. Section 71-5813, Reissue Revised Statutes of Nebraska, is amended to read:

71-5813. Institutional health services shall mean health services provided in or through health care facilities and shall include the entities in or through which such services are provided but shall not include home health, residential care, or domiciliary

care services or services provided in or through physician clinics.

Sec. 56. Section 71-5828, Reissue Revised Statutes of Nebraska, is amended to read:

71-5828. Substantial change in health service shall mean (1) the offering of a health service which was not offered on a regular basis in or through a health care facility within the twelve-month period prior to the time the services would be offered or (2) the termination of a health service provided in or through a health care facility. Substantial change in health services shall not mean the development of home health, residential care, or domiciliary care services or the offering of services by physician clinics. A technological improvement to a service already being offered shall not be considered a substantial change in health service, but a technological improvement may require a certificate of need under the provisions of subdivision (2), (5), (7), or (8) of section 71-5830.

Sec. 57. Section 71-5846, Reissue Revised Statutes of Nebraska, is amended to read:

71-5846. The department shall make a decision in writing to (1) approve the application and issue a certificate of need with or without any specified modifications, ~~or~~ (2) ~~reject~~ disapprove the application and deny a certificate of need, or (3) modify the application and issue a certificate of need on the project as modified after giving notice to the applicant of the modifications and providing an opportunity for the applicant to respond to the modifications. The department shall not make its decision subject to any condition not directly related to criteria adopted and promulgated under sections 71-5852 to 71-5855, and any condition or modification shall bear a direct and rational relationship to the project under review.

Sec. 58. Sections 58 to 62 of this act shall be known and may be cited as the False Medicaid Claims Act.

Sec. 59. For purposes of the False Medicaid Claims Act:

(1) Claim means an application for payments for goods or services, including any written or electronically submitted request or demand to the state agency or its agents or assignees for reimbursement for goods or services purported to have been provided to a recipient, whether or not the state agency pays any portion of such claim;

(2) Good or service includes (a) any particular item, device, medical supply, or service claimed to have been provided to a recipient and listed in an itemized claim for payment and (b) any entry in the cost report, books of account, or other documents supporting such good or service;

(3) Knows or should know means that a person, with respect to information:

(a) Has actual knowledge of the information;

(b) Acts in deliberate ignorance of the truth or falsity of the information; or

(c) Acts in reckless disregard of the truth or falsity of the information.

No proof of specific intent to defraud is required;

(4) Medicaid program means the medical assistance program under sections 68-1018 to 68-1025;

(5) Person means a provider of goods or services covered under the medicaid program or any employee of such provider whether the provider is an individual, individual medical vendor, firm, corporation, professional association, professional corporation, partnership, limited liability company, organization, or other legal entity, or such an entity which is not a provider but which provides goods or services to such a provider;

(6) Recipient means an individual who is eligible to receive goods or services for which payment may be made under the medicaid program; and

(7) State agency means the agency established or designated to administer or supervise the administration of the medicaid program.

Sec. 60. Any person that presents, or causes to be presented, to an officer, employee, assignee, or agent of the state agency a claim under the medicaid program presents a false claim if such person knows or should know:

(1) The goods or services were not provided as claimed;

(2) The claim is not true or is fraudulent;

(3) Such person made, used, or caused to be made or used a false record or statement to support a claim; or

(4) The good or service was provided by a person during a period that such person was excluded from the medicaid program pursuant to a determination by the federal Secretary of the Department of Health and Human Services or by the state agency.

Any person that presents a false claim is subject, in addition to any other remedies that may be prescribed by law, to a civil penalty of not more than five thousand dollars for each false claim. In addition, such person is subject to an award of twice the amount of damages sustained by the state agency because of such claim. In the court's discretion, the prevailing party may also recover the costs of a civil action brought to recover the penalties or damages and for reasonable attorney's fees incurred, including the costs for no more than one expert used in the investigation and trial.

Sec. 61. In determining the amount of any penalties or assessments awarded under the False Medicaid Claims Act, the following shall be taken into account:

(1) The nature of claims and the circumstances under which they were presented;

(2) The degree of culpability, history of prior offenses, and financial condition of the person presenting the claims;

(3) Coordination of the total penalties, damages, and assessments arising from the same claims, goods, or services,

whether based on state or federal statute; and

(4) Such other matters as justice requires.

Amounts recovered under the False Medicaid Claims Act shall be paid to the State Treasurer for credit to the Department of Health Cash Fund, except that damages that exceed compensatory damages shall be credited to the permanent school fund. The amount of such penalty or assessment, when finally determined, or the amount agreed upon in compromise, may be deducted from any sum then or later owing by the state agency to the person against whom the penalty or assessment has been assessed.

Sec. 62. (1) A civil action under the False Medicaid Claims Act may not be filed with respect to any claim later than six years after the date the claim was presented. Such an action may be brought for false claims made prior to the operative date of this section if the limitations period in this subsection has not passed.

(2) In an action brought under the act, the state shall prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

Sec. 63. For purposes of sections 63 to 67 of this act:

(1) Civil penalties include any remedies required under federal law and include the imposition of monetary penalties;

(2) Federal regulations for participation in the medicaid program means the regulations found in 42 C.F.R. part 442, as amended, for participation in the medicaid program under Title XIX of the federal Social Security Act, as amended; and

(3) Nursing facility means any skilled nursing facility or intermediate care facility, as defined in section 71-2017.01, which receives federal and state funds under Title XIX of the federal Social Security Act, as amended.

Sec. 64. (1) The Department of Social Services may assess, enforce, and collect civil penalties against a nursing facility which the Department of Health has found in violation of federal regulations for participation in the medicaid program pursuant to the authority granted to the Department of Health under section 81-604.03.

(2) If the Department of Social Services finds that a violation is life threatening to one or more residents or creates a direct threat of serious adverse harm to one or more residents, a civil penalty shall be imposed for each day the deficiencies which constitute the violation exist. The department may assess an appropriate civil penalty for other violations based on the nature of the violation. Any monetary penalty assessed shall not be less than fifty dollars nor more than ten thousand dollars for each day the facility is found to be in violation of such federal regulations. Monetary penalties assessed shall include interest at the rate specified in section 45-104.02, as such rate may from time to time be adjusted.

Sec. 65. The Department of Social Services shall adopt

criteria for determining the type and amount of the civil penalty assessed under section 64 of this act. Such criteria shall include, but need not be limited to, consideration of the following factors:

(1) The period of time over which the violation occurred;

(2) The frequency of the violation;

(3) The nursing facility's history concerning the type of violation for which the civil penalty is assessed;

(4) The nursing facility's intent or reason for the violation;

(5) The effect, if any, of the violation on the health, safety, security, or welfare of the residents;

(6) The existence of other violations, in combination with the violation for which the civil penalty is assessed, which increase the threat to the health, safety, security, rights, or welfare of the residents;

(7) The existence of other violations, in combination with the violation for which the civil penalty is assessed, which increase the threat to the health, safety, security, rights, or welfare of the residents;

(8) The accuracy, thoroughness, and availability of records regarding the violation, which the nursing facility is required to maintain; and

(9) The number of additional related violations occurring within the same time span as the violation in question.

Sec. 66. (1) The Nursing Facility Penalty Cash Fund is created. Monetary penalties collected by the Department of Social Services pursuant to section 64 of this act shall be remitted to the State Treasurer for credit to such fund. The state investment officer shall invest any money in the fund available for investment pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The Department of Social Services shall adopt and promulgate rules and regulations which establish circumstances under which the department may distribute funds from the Nursing Facility Penalty Cash Fund to protect the health or property of individuals residing in nursing facilities which the Department of Health has found in violation of federal regulations for participation in the medicaid program. Circumstances considered as a basis for distribution from the fund include paying costs to:

(a) Relocate residents to other facilities;

(b) Maintain the operation of a nursing facility pending correction of violations;

(c) Close a nursing facility; and

(d) Reimburse residents for personal funds lost.

Sec. 67. The Department of Social Services shall adopt and promulgate rules and regulations to carry out sections 63 to 67 of this act, including rules and regulations for notice and appeal procedures.

Sec. 68. Section 81-604.03, Reissue Revised Statutes of Nebraska, is amended to read:

81-604.03. The Department of Health is hereby authorized to act as the survey and certification agency for the medicaid program and to enter into such agreements with the Department of Social Services as may be necessary to carry out its duties. The Department of Health shall notify the Department of Social Services of any violation by a nursing facility, as defined in section 63 of this act, of federal regulations for participation in the medicaid program. Civil penalties will be determined pursuant to sections 63 to 67 of this act.".

2. Correct the operative date and repealer provisions so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

NOTICE OF COMMITTEE HEARING
Rules

Wednesday, April 10, 1996, Room 2102 2:30 p.m.
Proposed Changes to the Rules

(Signed) Eric Will, Chairperson

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.

Bob Ide - Foster Care Review Board
Christena Buttress - Foster Care Review Board

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Klein, and Schimek. Nay: None. Absent: Senator Pirsch.

(Signed) Don Wesely, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 1189.

Enrollment and Review Change to LB 1189

The following changes, required to be reported for publication in the Journal, have been made:
ER9164

1. In the Wehrbein amendment, AM4235, on page 1, line 11, "of" has been struck and "on" inserted.

2. In the E & R amendments, AM7254:

a. On page 3, line 6; page 27, line 4; and page 130, line 17, "of the budget division of the Department of Administrative Services" has been inserted after "administrator";

b. On page 6, line 19, "for" has been struck and "to" inserted;

c. On page 9, line 5, "appropriation" has been struck and "appropriated" inserted; and in line 18 "secure" has been inserted before "adult";

d. On page 127, line 15, "Department of" has been inserted before "Insurance"; and

e. On page 130, line 18, "of the Department of Administrative Services" has been inserted after "Administrator".

3. On page 1, line 4, "11," has been inserted after "sections"; and in line 14 "to state intent;" has been inserted after the first semicolon.

4. Sections have been renumbered to incorporate all adopted amendments.

(Signed) David I. Maurstad, Chairperson

SELECT FILE

LEGISLATIVE BILL 1177. E & R amendment, AM7266, found in the Journal on page 1604, was adopted.

Mr. Warner renewed his pending amendment, AM4168, found in the Journal on page 1606.

The Warner 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 108. E & R amendment, AM7271, found in the Journal on page 1663, was adopted.

Mr. Klein reoffered his amendment, AM3708, found in the Journal on page 1160 and considered on page 1230.

Mr. Beutler requested a ruling of the Chair on whether the Klein amendment is germane to the bill.

The Chair ruled the Klein amendment is germane to the bill.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mr. Klein withdrew his amendment.

Mr. Beutler offered the following amendment:
AM4314

(Amendments to Standing Committee amendments, AM3613)

1. On page 12, line 8, strike "prevent or minimize" and insert "mitigate or eliminate"; and in line 17 strike "resolution" and insert "mitigation or elimination".

2. On page 31, line 9; and page 70, line 20, strike "director" and insert "Director of Water Resources".

3. On page 33, lines 7 and 10; page 37, lines 19 and 26; and page 71, line 20, before "ground" insert "hydrologically connected".

4. On page 37, line 16, after the comma insert "surface water project sponsor,"; and in line 23 after the comma insert "the affected".

5. On page 39, line 10, strike "appropriator" and insert "appropriators".

6. On page 40, lines 14 and 15; and page 43, line 20, strike "eliminate or reduce" and insert "mitigate or eliminate".

7. On page 41, line 17, strike "sponsor" and insert "sponsors"; and in line 26 strike "requirement" and insert "adoption".

8. On page 42, line 6, strike "requiring preparation of" and insert "adopting"; in lines 8 and 17 after "degradation" insert "of water resources"; and in line 15 strike "preparation" and insert "adoption".

9. On page 43, line 7, after "district" insert "and the department"; in line 19 after "act" insert "and subsection (5) of this section"; in line 20 strike "such" and insert "the"; and in line 21 before the period insert "described in subsection (8) of this section".

10. On page 44, line 24, strike "appropriator" through "sponsor" and insert "appropriators, any surface water project sponsors".

11. On page 64, line 5; and page 71, line 26, strike "67" and insert "65".

12. On page 64, line 27, after "degradation" insert "of water resources".

13. On page 65, line 8, strike "prevent or alleviate" and insert "mitigate or eliminate".

14. On page 66, line 5, strike "stabilize or reduce" and insert "mitigate or eliminate"; and in line 6 after "over" insert "interstate".

The Beutler amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1114:
FA616
Strike the enacting clause.

Mr. Bernard-Stevens filed the following amendment to LB 754:
FA617
Strike the enacting clause.

Messrs. Hilgert, Will, and Preister filed the following amendment to LB 1255:
AM4242

(Amendments to AM4164)

1. Insert the following new sections:

"Sec. 4. Section 9-239, Reissue Revised Statutes of Nebraska, is amended to read:

9-239. (1) The department shall collect a state tax of ~~six~~ three percent on the gross receipts received from the conducting of bingo within the state. ~~Such~~ The tax shall be remitted to the department. The department shall remit the 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. Sections 4 and 6 of this act become operative October 1, 1996. The remaining sections become operative on their effective date.

Sec. 6. Original section 9-239, Reissue Revised Statutes of Nebraska, is repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Messrs. Bromm, Robinson, Wickersham, Chambers, Coordsen, Preister, and Mrs. Pirsch filed the following amendment to LB 1375:
AM4371

(Amendments to AM4153)

1. Strike sections 3 and 4 and all amendments thereto and insert the following new section:

"Sec. 3. An agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records or provide electronic access to public records for a fee greater than authorized by state law. Any such contract in existence on the effective date of this act shall be terminated on January 31, 1998, unless sooner voided or terminated by order of a court of competent jurisdiction. This act shall not be construed to validate, ratify, or adopt any such contract existing on or prior to the effective date of this act.".

2. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 108. Mr. Wickersham renewed his pending amendment, AM3686, found in the Journal on page 1179.

Mr. Wickersham withdrew his amendment.

Mmes. McKenzie, Bohlke, Messrs. Dierks, Jones, Wickersham, Bromm, and Elmer offered the following amendment:
AM4395

(Amendments to Standing Committee amendments, AM3613)

1. Insert the following new section:

"Sec. 55. Until January 1, 1999, sections 56 to 66 of this act shall apply only to river basins subject to interstate compacts involving three or more states. A report shall be prepared by the natural resources districts in such basin or basins and presented to the Natural Resources Committee of the Legislature before December 1, 1998. The report shall include, but not be

limited to, a review of any activities resulting from and relating to sections 56 to 66 of this act and recommendations for specific changes to such sections or to other sections in the Nebraska Groundwater Management and Protection Act. On and after January 1, 1999, sections 56 to 66 of this act shall apply to the entire state.".

2. On page 8, line 11, strike "72" and insert "73".

3. On page 42, line 5, after "(8)" insert "Neither well registration dates nor appropriation dates shall be a factor in determining whether a management area shall be designated or a joint action plan prepared.

(9)"; and in line 18 strike "(9)" and insert "(10)".

4. On page 43, line 13; and page 44, line 5, strike "(10)" and insert "(11)".

5. On page 44, line 4, strike "(11)" and insert "(12)"; in line 12 strike "(12)" and insert "(13)"; and in line 22 strike "(13)" and insert "(14)".

6. On page 45, line 5, strike "(14)" and insert "(15)".

7. On page 65, line 10, after "(3)" insert "Neither well registration dates nor appropriation dates shall be a factor in determining whether a management area shall be designated or a joint action plan prepared.

(4)"; and in line 22 strike "(4)" and insert "(5)".

8. Renumber the remaining sections and correct internal references accordingly.

Mr. Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Bohlke requested a record vote on the McKenzie et al. amendment.

Voting in the affirmative, 41:

Avery	Dierks	Janssen	Pirsch	Vrtiska
Beutler	Elmer	Jensen	Preister	Warner
Bohlke	Engel	Jones	Robak	Wehrbein
Brashear	Fisher	Klein	Robinson	Wesely
Bromm	Hartnett	Lindsay	Schellpeper	Wickersham
Brown	Hilgert	Matzke	Schmitt	Will
Chambers	Hillman	Maurstad	Schrock	Witek
Coordsen	Hudkins	McKenzie	Stuhr	Withem
Cudaback				

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens	Crosby	Kristensen	Landis

Excused and not voting, 4:

Abboud	Lynch	Pedersen	Schimek

The McKenzie et al. amendment was adopted with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Dierks withdrew his amendments, AM3742, FA556, FA557, and AM4179, found in the Journal on pages 1244, 1297, and 1790.

Mr. Beutler withdrew his motion, found in the Journal on page 1380, to suspend the rules.

Mr. Wickersham withdrew his amendment, AM3685, found in the Journal on page 1538.

Mr. Klein withdrew his amendment, AM4306, found in the Journal on page 1765.

Mrs. McKenzie withdrew her amendment, AM4299, found in the Journal on page 1771.

Mmes. McKenzie and Bohlke withdrew their amendments, AM4336 and AM4310, found in the Journal on pages 1814 and 1815.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 108A. Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Abboud, Hartnett, and Lynch asked unanimous consent to have their names added as cointroducers to LB 1211. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 952. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Maurstad withdrew his name as cointroducer to LB 642.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 323, 323A, 345, 345A, 463, 681, 931, 1069, 1070, 1090, 1104, 1212, 1213, 1213A, 1241, 1249, 1268, 1274, 1277, 1296, and 1306.

Enrollment and Review Change to LB 681

The following changes, required to be reported for publication in the Journal, have been made:
ER9161

1. In the Kristensen amendment, AM2998:

a. The following new sections have been inserted:

"Sec. 182. Section 21-2317, Revised Statutes Supplement, 1995, is amended to read:

21-2317. In all cases when there has been an attempt to incorporate a local political subdivision industrial development corporation under the provisions of the ~~Nebraska Nonprofit Corporation Act~~ Nebraska Nonprofit Corporation Act, and articles of incorporation have been duly recorded and filed containing provisions substantially similar to those for incorporation under the provisions of the Nebraska Industrial Development Corporation Act, the corporation may, with the approval of the governing body of the local political subdivision in which it is located, become validated ab initio as a corporation organized under and governed by the act with respect to any bonds issued and all other matters concerning its affairs and business by executing and filing with the Secretary of State a certificate of its adoption of the act.

Sec. 195. Section 44-3312, Revised Statutes Supplement, 1995, is amended to read:

44-3312. (1) Two or more persons may organize a legal service insurance corporation under this section.

(2) The articles of incorporation of a not-for-profit corporation shall conform to the requirements applicable to not-for-profit corporations under the ~~Nebraska Nonprofit Corporation Act~~ Nebraska Nonprofit Corporation Act and the articles of incorporation of a corporation for profit shall conform to the requirements applicable to corporations for profit under the Business Corporation Act, except that:

(a) The name of the corporation shall indicate that legal services or indemnity for legal services is to be provided;

(b) The purposes of the corporation shall be limited to providing legal services or indemnity for legal expenses and business reasonably related thereto;

(c) The articles shall state whether members or other providers of services may be required to share operating deficits, either through assessments or through reductions in the compensation for services rendered. They shall also state the general conditions and procedures for deficit sharing and any limits on the amount of the deficit to be assumed by each individual member or provider;

(d) For corporations having members, the articles shall state the conditions and procedures for acquiring membership and that only members have the right to vote; and

(e) For corporations not having members, the articles shall state how the directors are to be selected.

Sec. 196. Section 44-3812, Revised Statutes Supplement, 1995, is amended to read:

44-3812. (1) Two or more persons may organize a prepaid dental service corporation under this section.

(2) The articles of incorporation of the corporation shall conform to the requirements of the ~~Nebraska Nonprofit Corporation Act~~ Nebraska Nonprofit Corporation Act or to the requirements of the Business Corporation Act, except that:

(a) The name of the corporation shall indicate that dental services are to be provided;

(b) The purposes of the corporation shall be limited to providing dental services and business reasonably related thereto;

(c) The articles shall state whether members, shareholders, or providers of services may be required to share operating deficits, either through assessments or through reductions in compensation for services rendered, the general conditions and procedures for deficit sharing, and any limits on the amount of the deficit to be assumed by each individual member, shareholder, or provider;

(d) For corporations having members, the articles shall state the conditions and procedures for acquiring membership and that only members have the right to vote; and

(e) For corporations not having members, the articles shall state how the directors are to be selected.";

b. Sections 187 to 189 and 190 to 214 have been renumbered as sections 192 to 194 and 197 to 221, respectively;

c. On page 1, line 7, "this" has been struck and "the" inserted;

d. On page 2, line 1, "by" has been inserted before "its";

e. On page 6, line 25, "155" has been struck and "154" inserted;

f. On page 8, line 21, "167" has been struck and "172" inserted;

g. On page 10, line 9, "a" has been inserted before "mutual";

h. On page 15, line 10, "this act" has been struck and "the Nebraska Nonprofit Corporation Act" inserted; in line 13 the comma has been struck; and in line 16 "where" has been struck and "when" inserted;

i. On page 22, line 18, an underscored comma has been inserted after "furnishing"; and in line 21 an underscored comma has been inserted after "fraternal";

j. On page 26, line 10, "where" has been struck and "when" inserted;

k. On page 33, line 12, "Where" has been struck and "When" inserted;

l. On page 38, lines 9 and 12, "of this act" has been inserted after "55";

m. On page 46, line 27, "of this act" has been inserted after "166";

n. On page 54, line 8; and page 60, line 6, the comma has been struck;

o. On page 63, line 9, "the" has been inserted before "merger";

p. On page 69, line 20, an underscored comma has been inserted after "rabbis";

q. On page 73, line 4, "subsection" has been struck and "subdivision" inserted;

r. On page 79, line 4, an underscored comma has been inserted after "limited";

s. On page 91, line 13, "in" has been inserted before "part";

t. On page 104, line 3, the period has been struck and an underscored semicolon inserted;

u. On page 104, line 14; and page 127, line 21, "of" has been struck and "after" inserted;

v. On page 143, line 9, the commas have been struck and the stricken matter has been reinstated;

w. On page 160, lines 2 and 3, "205 to 207" has been struck and "212 to 214" inserted;

x. On page 161, lines 6 and 13, "205" has been struck and "212" inserted; in lines 6 and 14 "206" has been struck and "213" inserted; and in line 27 the stricken matter has been reinstated;

y. On page 168, line 15, "widowers," has been inserted after the third comma;

z. On page 174, line 15; and page 175, line 13, "in the office of" has been struck and "with" inserted;

aa. On page 179, line 17, "188, 189, 210, and 213" has been struck and "182, 193 to 196, 217, and 220" inserted; in line 18 "182 to 187" has been struck and "183 to 187, 192" inserted; and in line 19 "190 to 207, and 212" has been struck and "197 to 214, and 219" inserted; and

bb. On page 180, line 1, "21-2317," has been inserted after the second comma; in line 2 "and 33-101," has been struck and "33-101, 44-3312, and 44-3812," inserted; in line 3 "sections 21-2631 to 21-2631.03, Revised Statutes Supplement, 1994, and" has been inserted after "Original"; in line 4 "is" has been struck and "are" inserted; and in line 11 "21-1989," has been inserted after the second "to".

2. On page 1, the matter beginning with "partnerships" in line 1 through line 8 has been struck and "business entities; to amend sections 21-1101, 21-17,132, 44-4002, 67-301, 67-303 to 67-306, 67-311, 67-315, 67-318, 67-325, 67-328, 67-334, 67-336, and 67-340, Reissue Revised Statutes of Nebraska, sections 21-2602, 21-2619, 21-2621, 21-2622, 21-2628, 21-2631 to 21-2631.03, 21-2649, and 67-302, Revised Statutes Supplement, 1994, and sections 8-1401, 21-2048, 21-2317, 23-3504, 33-101, 44-3312, and 44-3812, Revised Statutes Supplement, 1995; to adopt a new and repeal the old Nebraska Nonprofit Corporation Act; to change certain shareholders' preemptive rights; to change limited liability company provisions; to provide for limited liability partnerships; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 21-1901 to 21-1903, 21-1905 to 21-1989, 21-1991, 21-1996 to 21-19,106, and 21-19,109, Reissue Revised Statutes of Nebraska, section 21-1904, Revised Statutes Supplement,

1994, and sections 21-19,107 and 21-19,108, Revised Statutes Supplement, 1995; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1212

The following changes, required to be reported for publication in the Journal, have been made:
ER9169

1. On page 1, line 1, "section" has been struck and "sections 48-628 and" inserted; in line 2 "to change provisions relating to disqualification for benefits;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1213

The following changes, required to be reported for publication in the Journal, have been made:
ER9167

1. In the Brashear amendment, AM4248:

a. Sections 3 and 5 have been renumbered as sections 4 and 6, respectively; and

b. On page 17, line 2, "ephedrlne" has been struck and "ephedrine" inserted.

2. In the Pirsch amendment, AM4228:

a. Underscoring has been inserted in section 3; and

b. On page 1, line 13, "7" has been struck and "2" inserted.

3. On page 1, the matter beginning with "law" in line 1 through line 4 has been struck and "crimes and punishments; to amend section 28-405, Reissue Revised Statutes of Nebraska; to require certain law enforcement agencies to pay for forensic medical examinations of sexual assault victims; to change a controlled substances schedule; to provide a duty for the Revisor of Statutes; and to repeal the original section." inserted.

Enrollment and Review Change to LB 1241

The following changes, required to be reported for publication in the Journal, have been made:
ER9168

1. In the Beutler amendment, AM4293, on page 2, line 10, "and in line 5 strike 'and' and" has been struck and "in line 4 'and' has been struck; and in line 5" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 8 has been struck and "natural resources; to amend sections 2-3290, 46-1233, 46-1238, and 46-1239, Reissue Revised Statutes of Nebraska, sections 46-1201, 46-1203, and 46-1240, Revised Statutes Supplement, 1994, and section 46-1405, Revised Statutes Supplement, 1995; to provide for fees for access to public lands as prescribed; to define and redefine terms; to provide for penalties and injunctive relief against

employers using unlicensed individuals under the Water Well Standards and Contractors' Licensing Act; to change provisions relating to cost sharing for decommissioning illegal water wells; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1277

The following changes, required to be reported for publication in the Journal, have been made:
ER9171

1. On page 1, line 1, a comma has been inserted before "and".

Enrollment and Review Change to LB 1296

The following changes, required to be reported for publication in the Journal, have been made:
ER9166

1. On page 1, line 1, "24-312," has been inserted after "sections"; in line 8 "to change consent requirements for a county judge acting as a district judge;" has been inserted after the semicolon; and in line 10 "to provide operative dates;" has been inserted after the second semicolon.

2. On page 5, line 11, "effective date of this act" has been struck and "operative date of this section" inserted.

(Signed) David I. Maurstad, Chairperson

VISITORS

Visitors to the Chamber were four students and teachers from Lincoln Elementary, Fremont; 31 fifth and sixth grade students and sponsors from St. Patrick's, Lincoln; 18 fourth grade students and teacher from Axtell Schools; Mayor Gerald Brown, 7 eighth grade students, and sponsors from Brady; 4 fifth grade students and sponsors from Gretna; Bob Meyer from Grand Island; fourth grade students and teachers from Pershing Elementary, Lexington; Kathleen Gast from Omaha; 25 students and sponsor from UNL; and Julie Grohmann and Jenny Doyle from Omaha.

The Doctor of the Day was Dan DeFreece from Lincoln.

ADJOURNMENT

At 9:09 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 8:30 a.m., Thursday, April 4, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SIXTH DAY - APRIL 4, 1996

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY - APRIL 4, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Dr. Joel Gajardo, Executive Director, Hispanic Community Center, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Ms. Schimek who was excused; and Messrs. Abboud, Avery, Chambers, Engel, Hilgert, Lindsay, Lynch, Matzke, Robinson, Wickersham, Will, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1853, line 24, strike "on" and insert "or".
The Journal for the fifty-fifth day was approved as corrected.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 233.

A BILL FOR AN ACT relating to city and county jails; to amend sections 23-2802, 47-101, 47-102, 47-104 to 47-106, 47-108 to 47-110, 47-116, 47-201 to 47-206, 83-4,131, and 83-4,132, Reissue Revised Statutes of Nebraska; to change provisions relating to the Jail Standards Board; to eliminate duties of the judges of the district court; 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, 34:

Bernard-Stevens	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Pirsch	Vrtiska
Brashear	Elmer	Jones	Preister	Warner
Bromm	Fisher	Klein	Robak	Wehrbein
Brown	Hartnett	Kristensen	Schellpeper	Wesely
Crosby	Hillman	Landis	Schmitt	Witek
	Hudkins	Maurstad	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Coordsen

Excused and not voting, 14:

Abboud	Chambers	Lindsay	McKenzie	Wickersham
Avery	Engel	Lynch	Robinson	Will
Bohlke	Hilgert	Matzke	Schimek	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 233A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 233, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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:

Avery	Crosby	Janssen	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pirsch	Vrtiska
Beutler	Dierks	Jones	Preister	Warner
Brashear	Elmer	Klein	Robak	Wehrbein
Bromm	Fisher	Kristensen	Schellpeper	Wesely
Brown	Hartnett	Landis	Schmitt	Witek
Coordsen	Hillman	Maurstad	Schrock	Withem
	Hudkins			

Voting in the negative, 0.

Excused and not voting, 13:

Abboud	Engel	Lynch	Robinson	Wickersham
Bohlke	Hilgert	Matzke	Schimek	Will
Chambers	Lindsay	McKenzie		

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 383.

A BILL FOR AN ACT relating to intercity bus systems; to amend section 13-1213, Revised Statutes Supplement, 1994; to authorize purchases of vehicles and equipment; 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:

Avery	Crosby	Hudkins	Matzke	Schrock
Bernard-Stevens	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Pirsch	Vrtiska
Brashear	Elmer	Jones	Preister	Wehrbein
Bromm	Fisher	Klein	Robak	Wesely
Brown	Hartnett	Kristensen	Schellpeper	Witek
Coordsen	Hillman	Landis	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Maurstad Warner

Excused and not voting, 12:

Abboud	Engel	Lynch	Robinson	Wickersham
Bohlke	Hilgert	McKenzie	Schimek	Will
Chambers	Lindsay			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 515. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-5133, Reissue Revised Statutes of Nebraska; to authorize associations to purchase insurance; to change provisions relating to insurer investments; to provide a penalty; to provide a duty for the Revisor of Statutes; 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, 37:

Avery	Crosby	Janssen	Pirsch	Stuhr
Bernard-Stevens	Cudaback	Jensen	Preister	Vrtiska
Beutler	Dierks	Jones	Robak	Warner
Brashear	Elmer	Klein	Robinson	Wehrbein
Bromm	Fisher	Kristensen	Schellpeper	Wesely
Brown	Hartnett	Landis	Schmitt	Witek
Coordsen	Hillman	Matzke	Schrock	Withem
	Hudkins	Pedersen		

Voting in the negative, 0.

Present and not voting, 1:

Maurstad

Excused and not voting, 11:

Abboud	Engel	Lindsay	McKenzie	Wickersham
Bohlke	Hilgert	Lynch	Schimek	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 633.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1995; to make certain training not a disqualification for benefits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Avery	Crosby	Janssen	Maurstad	Schrock
Bernard-Stevens	Cudaback	Jones	Pedersen	Stuhr
Beutler	Dierks	Klein	Preister	Vrtiska
Brashear	Elmer	Kristensen	Robak	Warner
Bromm	Fisher	Landis	Robinson	Wehrbein
Brown	Hartnett	Lindsay	Schellpeper	Wesely
Coordsen	Hillman	Lynch	Schmitt	Withem
	Hudkins	Matzke		

Voting in the negative, 0.

Present and not voting, 3:

Jensen	Pirsch	Witek

Excused and not voting, 9:

Abboud	Chambers	Hilgert	Schimek	Will
Bohlke	Engel	McKenzie	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 932.

A BILL FOR AN ACT relating to cemeteries; to amend sections 12-808 to 12-810, Reissue Revised Statutes of Nebraska; to provide pedestrian access to certain pioneer cemeteries; to eliminate a provision relating to county maintenance expenditures; to harmonize provisions; to repeal the original sections; and to outright repeal section 12-811, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Avery	Dierks	Jones	Pedersen	Stuhr
Beutler	Elmer	Klein	Pirsch	Vrtiska
Brashear	Fisher	Kristensen	Preister	Warner
Bromm	Hartnett	Landis	Robinson	Wehrbein
Brown	Hillman	Lindsay	Schellpeper	Wesely
Coordsen	Hudkins	Lynch	Schmitt	Witek
Crosby	Janssen	Matzke	Schrock	Withem
Cudaback	Jensen	Maurstad		

Voting in the negative, 2:

Bernard-Stevens	Robak

Excused and not voting, 9:

Abboud	Chambers	Hilgert	Schimek	Will
Bohlke	Engel	McKenzie	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to the Pseudorabies Control and Eradication Act; to amend sections 54-2235 to 54-2237, 54-2244, 54-2254, 54-2260, 54-2263, 54-2277, 54-2282, 54-2287, 54-2288, 54-2290, 54-2294, 54-2296, and 54-2299, Reissue Revised Statutes of Nebraska; to change dates and requirements; to define and redefine terms; to provide exemptions; to provide for the payment for vaccine as prescribed; to change access provisions; to eliminate provisions on assessment of swine herds; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-2272 to 54-2275, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Coordsen	Hudkins	Matzke	Schrock
Avery	Crosby	Janssen	Maurstad	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pedersen	Vrtiska
Beutler	Dierks	Jones	Pirsch	Warner
Bohlke	Elmer	Klein	Preister	Wehrbein
Brashear	Fisher	Kristensen	Robak	Wesely
Bromm	Hartnett	Landis	Robinson	Witek
Brown	Hilgert	Lindsay	Schellpeper	Withem
	Hillman	Lynch	Schmitt	

Voting in the negative, 0.

Excused and not voting, 6:

Chambers	McKenzie	Schimek	Wickersham	Will
Engel				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1011.

A BILL FOR AN ACT relating to counties; to amend sections 2-954, 13-1303, 14-1803, 23-114.01, 23-153, 23-1112.01, 23-1210, 23-1223, 23-1724, 23-1820, 23-2505, 23-3311, 23-3503, 23-3535, 23-3589, 31-219, 33-116, 33-117, 39-869, 39-1643, 51-313, 51-314, 71-5005, 71-5006, 77-417, 79-426.05, 80-101, 81-531, and 83-337, Reissue Revised Statutes of Nebraska, and sections 2-953.02, 3-611, 23-1112, 32-233, 71-1524, and 71-1631, Revised Statutes Supplement, 1994; to change provisions relating to mileage reimbursement; 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, 37:

Avery	Crosby	Hudkins	Pedersen	Schrock
Bernard-Stevens	Cudaback	Janssen	Pirsch	Stuhr
Beutler	Dierks	Jones	Preister	Vrtiska
Bohlke	Elmer	Klein	Robak	Warner
Brashear	Engel	Kristensen	Robinson	Wehrbein
Bromm	Fisher	Landis	Schellpeper	Wesely
Coordsen	Hartnett	Lindsay	Schmitt	Withem
	Hilgert	Lynch		

Voting in the negative, 2:

Brown	Maurstad

Present and not voting, 5:

Abboud	Hillman	Jensen	Matzke	Witek

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 1082

Mr. Wesely withdrew his amendment, FA583, found in the Journal on page 1528, to LB 1082.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1082.

A BILL FOR AN ACT relating to housing authorities; to amend section 71-1510, Reissue Revised Statutes of Nebraska; to provide for payments in lieu of taxes for housing authorities created under Indian law; 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	Lynch	Schrock
Avery	Crosby	Hudkins	Matzke	Stuhr
Bernard-Stevens	Cudaback	Janssen	Maurstad	Vrtiska
Beutler	Dierks	Jensen	Pedersen	Warner
Bohlke	Elmer	Jones	Pirsch	Wehrbein
Brashear	Engel	Klein	Preister	Wesely
Bromm	Fisher	Kristensen	Robinson	Witek
Brown	Hartnett	Landis	Schellpeper	Withem
	Hilgert	Lindsay	Schmitt	

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1139.

A BILL FOR AN ACT relating to the Nebraska National Guard; to amend sections 85-505 and 85-507, Reissue Revised Statutes of Nebraska; to extend the tuition credit program to independent colleges and universities; and to repeal the original sections.

Whereupon the 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	Lynch	Schmitt
Avery	Crosby	Hudkins	Matzke	Schrock
Bernard-Stevens	Cudaback	Janssen	Maurstad	Stuhr
Beutler	Dierks	Jensen	Pedersen	Vrtiska
Bohlke	Elmer	Jones	Pirsch	Wehrbein
Brashear	Engel	Klein	Preister	Wesely
Bromm	Fisher	Kristensen	Robak	Witek
Brown	Hartnett	Landis	Robinson	Withem
	Hilgert	Lindsay	Schellpeper	

Voting in the negative, 0.

Present and not voting, 1:

Warner

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1161.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1411, Reissue Revised Statutes of Nebraska; to provide for meetings of risk management pools to be held by videoconferencing; 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	Bromm	Engel	Jones	Maurstad
Avery	Brown	Fisher	Klein	Pedersen
Bernard-Stevens	Coordsen	Hartnett	Kristensen	Pirsch
Beutler	Crosby	Hilgert	Landis	Preister
Bohlke	Cudaback	Hillman	Lindsay	Robak
Brashear	Dierks	Hudkins	Lynch	Robinson
	Elmer	Janssen	Matzke	Schellpeper

Schmitt	Stuhr	Warner	Wesely	Withem
Schrock	Vrtiska	Wehrbein	Witek	

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1276.

A BILL FOR AN ACT relating to museums; to adopt the Museum Property Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hillman	Lynch	Schmitt
Avery	Crosby	Hudkins	Matzke	Schrock
Bernard-Stevens	Cudaback	Janssen	Maurstad	Stuhr
	Dierks	Jensen	Pedersen	Vrtiska
Beutler	Elmer	Jones	Pirsch	Warner
Bohlke	Engel	Klein	Preister	Wehrbein
Brashear	Fisher	Kristensen	Robak	Wesely
Bromm	Hartnett	Landis	Robinson	Witek
Brown	Hilgert	Lindsay	Schellpeper	Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1304.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132 and 18-1915, Reissue Revised Statutes of Nebraska, and sections 23-172, 71-6403, and 71-6405, Revised Statutes Supplement, 1994; to change provisions relating to city, village, and county plumbing codes and the state building code; and to repeal the original sections.

Whereupon the 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	Hilgert	Lynch	Schmitt
Avery	Crosby	Hillman	Matzke	Schrock
Bernard-Stevens	Cudaback	Hudkins	Pedersen	Stuhr
Beutler	Dierks	Janssen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Bromm	Engel	Kristensen	Robak	Wesely
Brown	Fisher	Landis	Robinson	Withem
	Hartnett	Lindsay		

Voting in the negative, 0.

Present and not voting, 7:

Brashear	Klein	Schellpeper	Vrtiska	Witek
Jensen	Maurstad			

Excused and not voting, 5:

Chambers	McKenzie	Schimek	Wickersham	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1321.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-755, 77-1858, 77-1901, and 77-1902, Reissue Revised Statutes of Nebraska; to change provisions relating to warrants and liens on real estate for special assessments; to eliminate provisions relating to certain sanitary and improvement districts; to repeal the original sections; and to outright repeal sections 31-701 to 31-704, 31-705.01, 31-706, 31-708 to 31-710, 31-711.01 to 31-715, and 31-717 to 31-726, Reissue Revised Statutes of Nebraska, section 31-726.01, Revised Statutes Supplement, 1994, and sections 31-705, 31-707, and 31-711, Revised Statutes Supplement, 1995.

Whereupon the 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	Hillman	Lynch	Schrock
Avery	Crosby	Hudkins	Matzke	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pedersen	Vrtiska
Beutler	Dierks	Jensen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Brashear	Engel	Klein	Robak	Wesely
Bromm	Fisher	Kristensen	Schellpeper	Witek
Chambers	Hartnett	Landis	Schmitt	Withem
	Hilgert	Lindsay		

Voting in the negative, 0.

Present and not voting, 3:

Brown	Maurstad	Robinson

Excused and not voting, 4:

McKenzie	Schimek	Wickersham	Will

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: LBs 233, 233A, 383, 515, 633, 932, 965, 1011, 1082, 1139, 1161, 1276, 1304, and 1321.

SELECT FILE

LEGISLATIVE BILL 1368. E & R amendment, AM7269, found in the Journal on page 1663, was adopted.

Mr. Withem renewed his pending amendment, AM4383, found in the Journal on page 1856.

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

Mr. Withem withdrew his amendment.

Mr. Chambers reoffered his amendment, FA589, found in the Journal on page 1579.

Messrs. Abboud and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear renewed his pending amendment, AM4361, found in the Journal on page 1846, to the Chambers pending amendment.

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

Mr. Brashear withdrew his amendment.

Mr. Brashear offered the following amendment to the Chambers pending amendment:
FA618

1. In the Chambers amendment, FA589, strike the underscored matter and insert ". Nothing in this section shall be construed to limit the right of an employee or employees subject to a collective bargaining agreement to negotiate relative to such programs.".

MR. COORDSEN PRESIDING

The Brashear amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Chambers amendment, as amended, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Hillman and Mr. Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely reoffered his amendment, AM3555, printed separately and referred to on page 1082 and considered on page 1548.

Mr. Wesely withdrew his amendment.

Mr. Wesely renewed his pending amendment, AM4276, found in the Journal on page 1732.

MRS. CROSBY PRESIDING

Messrs. Janssen, Hartnett, Coordsen, and Mrs. Hudkins 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?"

Mrs. Witek moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Chambers requested a record vote on the Wesely amendment.

Voting in the affirmative, 12:

Bernard-Stevens	Chambers	Landis	Schellpeper	Wesely
Beutler	Cudaback	Lynch	Schmitt	Withem
	Hilgert	Preister		

Voting in the negative, 20:

Abboud	Brown	Fisher	Maurstad	Vrtiska
Avery	Crosby	Jensen	Pirsch	Warner
Bohlke	Elmer	Jones	Robinson	Wehrbein
Brashear	Engel	Klein	Stuhr	Witek

Present and not voting, 8:

Bromm	Lindsay	McKenzie	Robak	Schrock
Dierks	Matzke	Pedersen		

Excused and not voting, 9:

Coordsen	Hillman	Janssen	Schimek	Will
Hartnett	Hudkins	Kristensen	Wickersham	

The Wesely amendment lost with 12 ayes, 20 nays, 8 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

MOTION - Print in Journal

Mr. Landis filed the following motion to LB 750:

Suspend the germaneness rule to take up AM4332, amendment to LB 750.

AMENDMENTS - Print in Journal

Mr. Bernard-Stevens filed the following amendment to LB 1264:
AM4397

(Amendments to E & R amendments, AM7282)

1. On page 3, strike beginning with "The" in line 13 through line 27 and insert

"The first two million dollars credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund shall be appropriated to the University of Nebraska to establish an endowment fund to provide financial support for the academic service units of the athletic departments of the campuses of the University of Nebraska in support of academic services to athletes.

(4) Any money credited to the Spirit Plate Proceeds Fund and not credited to the Highway Trust Fund after the first two million dollars shall be transferred to the Tax Equity and Educational Opportunities Fund to be distributed as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act.".

2. On page 4, strike lines 1 through 12.

Messrs. Warner and Cudaback filed the following amendment to LB 1039:
AM4223

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. Section 77-3505.02, Revised Statutes Supplement, 1995, is amended to read:

77-3505.02. Maximum value shall mean:

(1) For applicants eligible under sections 77-3507 and 77-3509, one hundred fifty percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ninety-five thousand dollars, whichever is greater; and

(2) For applicants eligible under section 77-3508, one hundred seventy-five percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or one hundred ten thousand dollars, whichever is greater.".

2. On page 1, line 3, after "77-3504" insert ", 77-3505.02"; and in line 4 strike "a term" and insert "terms".

3. On page 5, line 2, after "77-3504" insert ", 77-3505.02"; and in line 6 after "77-3504" insert ", 77-3505.02".

4. Renumber the remaining sections accordingly.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1996, at 10:10 a.m., were the following bills: 233, 233A, 383, 515, 633, 932, 965, 1011, 1082, 1139, 1161, 1276, 1304, and 1321.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 3, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ferdinand, L. Rene' - Lincoln	The ARC of Nebraska
Twiss, Robert W. - Gretna	Nebraskans First, Inc.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 233.

(Signed) Michael Avery

MESSAGE FROM THE GOVERNOR

April 3, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1252, 1275, 1336, 645, 645A, 1218, and 1218A were received in my office on April 1, 1996.

These bills were signed by me on April 3, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

SELECT FILE

LEGISLATIVE BILL 1368. Mr. Withem asked unanimous consent to replace his pending amendment, AM4333, found in the Journal on page 1801, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his amendment, AM4333, found in the Journal on page 1801.

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

Mr. Withem offered the following substitute amendment:
AM4402

1. Insert the following new section:

"Sec. 4. Section 77-4927, Revised Statutes Supplement, 1995, is amended to read:

77-4927. (1) If a company has entered into an agreement with the state pursuant to section 77-4928, employees who are employed at the project covered by the agreement, other than base-year employees, shall during each project year receive the wage benefit credit in the manner provided in the Quality Jobs Act.

(2) The wage benefit credit shall be paid or applied by the employee for company training programs, employee benefit programs, educational institution training programs, or company workplace safety programs, or any combination thereof, as designated by the employee or as agreed to by the company and employee.

(3) Except as provided in subsection (4) of this section, the wage benefit credit per employee shall be an amount equal to the Nebraska income tax withholding attributable to the employee's compensation for services rendered in connection with the project for the project year without regard to the credit calculation under subsection (6) of this section.

(4) The wage benefit credit total for the project per year shall not exceed five percent of the total compensation paid by the company in the year to all employees, other than base-year employees, for services rendered in connection with the project. If the total of the wage benefit credit exceeds five percent of the total compensation paid to all employees, other than base-year employees, the withholding in excess of five percent of each employee's compensation shall be returned to the Department of Revenue in the manner provided in section 77-2756.

(5) The wage benefit credit shall be allowed for each project year.

(6) The wage benefit credit shall be withheld by the company from the employee's compensation in the normal manner provided by section 77-2753, except that the amount shall not be required to be paid over to the state under section 77-2756 and shall not constitute part of the trust fund or be owned by the state as provided in section 77-2757, but instead shall, to the extent of attributable tax liability, represent a credit in the calculation of each such employee's tax liability and shall be paid or applied for the programs in the manner that the company and employee have determined as allowed by the act. For purposes of

the withholding reporting provisions of sections 77-2754 and 77-2756, the company shall report the wage benefit credit separately to the state and to the employee as a wage benefit credit. Each employee shall be allowed on his or her Nebraska income tax return a nonrefundable credit against the tax imposed by sections 77-2714 to 77-27,123 equal to the wage benefit credit not to exceed (a) his or her income tax liability minus (b) the amount that Nebraska income tax liability would be if the total compensation paid by the company in the taxable year were excluded from the employee's adjusted gross income. The calculation of this nonrefundable credit shall be included with the employee's tax return and reported as determined by the Department of Revenue. If any amount allowable as a wage benefit credit has been through error or otherwise improperly paid to the state, it shall be refunded to the person who paid it upon application for refund filed within three years after payment. If the wage benefit credit withheld by the company exceeds the nonrefundable credit allowed the employee as calculated in this subsection, the company shall refund the difference to the employee. The company may request verification or substantiation of the amount claimed. Such verification or substantiation shall be confidential and used only for the determination of the claim filed by the employee. A company shall notify employees individually in writing at the time the company reports the wage benefit credit to the employee of the right to claim a refund under this subsection by April 1 of each year. The claim for the refund from the company shall be made by September 1 of the year when the employee files his or her tax return or fifteen days after the employee files such tax return, whichever is later. The company shall pay the refund to an employee within thirty days after the date a claim is filed.".

2. On page 4, line 27, strike "and 77-4925" and insert ", 77-4925, and 77-4927".

3. Renumber the remaining sections and correct internal references accordingly.

The Withem amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Withem withdrew his amendment, AM4345, found in the Journal on page 1802.

Mr. Brashear withdrew his amendments, AM4362 and AM4363, found in the Journal on page 1846.

Mr. Brashear withdrew his motion, found in the Journal on page 1847, to suspend the rules.

Messrs. Jones, Schmitt, Wesely, and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

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 9 ayes, 0 nays, and 40 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a roll call vote on the advancement of the bill.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 35:

Avery	Elmer	Klein	Pedersen	Vrtiska
Bernard-Stevens	Engel	Kristensen	Pirsch	Warner
Beutler	Fisher	Lindsay	Preister	Wehrbein
Bohlke	Hartnett	Lynch	Robak	Wickersham
Brashear	Hilgert	Matzke	Robinson	Will
Brown	Janssen	Maurstad	Schrock	Witek
Crosby	Jensen	McKenzie	Stuhr	Withem

Voting in the negative, 6:

Bromm	Cudaback	Dierks	Landis	Schellpeper
Chambers				

Excused and not voting, 8:

Abboud	Hillman	Jones	Schmitt	Wesely
Coordsen	Hudkins	Schimek		

Advanced to E & R for engrossment with 35 ayes, 6 nays, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1322A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1226. E & R amendment, AM7291, found in the Journal on page 1711, was adopted.

Mr. Beutler withdrew his pending amendment, AM4262, found in the Journal on page 1808.

Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 1226A. Mr. Bromm renewed his pending amendment, AM4338, found in the Journal on page 1858.

The Bromm amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 634. E & R amendment, AM7283, found in the Journal on page 1712, was adopted.

Mr. Preister and Mrs. Bohlke withdrew their amendment, AM4200, found in the Journal on page 1668.

Mr. Preister and Mrs. Bohlke renewed their pending amendment, AM4238, found in the Journal on page 1720.

The Preister-Bohlke amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM4403
(Amendments to Standing Committee amendments, AM3677)
1. On page 1, line 20, strike "Department" through "Quality" and insert "Clean Air Title V".

The Bohlke amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1264. E & R amendment, AM7282, found in the Journal on page 1713, was adopted.

Mr. Chambers reoffered his amendment, FA598, found in the Journal on page 1650.

Mr. Chambers withdrew his amendment.

Mr. Chambers renewed his pending amendment, FA599, found in the Journal on page 1652.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Bernard-Stevens	Chambers

Voting in the negative, 16:

Avery	Elmer	Kristensen	Schmitt	Wehrbein
Bohlke	Engel	Landis	Stuhr	Will
Brashear	Janssen	Pirsch	Warner	Withem
Crosby				

Present and not voting, 24:

Beutler	Fisher	Lindsay	Pedersen	Schrock
Bromm	Hartnett	Lynch	Preister	Vrtiska
Brown	Hilgert	Matzke	Robak	Wickersham
Cudaback	Jensen	Maurstad	Robinson	Witek
Dierks	Jones	McKenzie	Schellpeper	

Excused and not voting, 7:

Abboud	Hillman	Klein	Schimek	Wesely
Coordsen	Hudkins			

The Chambers amendment lost with 2 ayes, 16 nays, 24 present and not voting, and 7 excused and not voting.

Mr. Chambers renewed his pending amendment, FA602, found in the Journal on page 1700.

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

MR. KRISTENSEN PRESIDING

Messrs. Wehrbein and Janssen 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?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his amendment, FA603, found in the Journal on page 1705.

Messrs. Bromm and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bernard-Stevens asked unanimous consent to replace his pending amendment, AM4219, found in the Journal on page 1707, with a substitute amendment. No objections. So ordered.

Mr. Bernard-Stevens withdrew his amendment, AM4219, found in the Journal on page 1707.

Mr. Bernard-Stevens offered the following substitute amendment:
FA620

On Page 4, strike beginning with "divided" in line 9 through "campus" in line 12 and insert "transferred to the Tax Equity and Educational Opportunities Fund for distribution as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act. However the first 10% over $5 million dollars shall be credited to the endowment fund created in Section (3)(3)

Mr. Will 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?"

Mr. Robinson moved for a call of the house. The motion prevailed with 11 ayes, 2 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Bernard-Stevens amendment lost with 8 ayes, 21 nays, 15 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Brashear withdrew his amendment, AM4365, found in the Journal on page 1847.

Mr. Brashear withdrew his motion, found in the Journal on page 1847, to suspend the rules.

Messrs. Bernard-Stevens and Beutler offered the following amendment:
FA622

Amend AM7282 as follows:

On page 4, line 11 strike the word "athletic"

At end of Sec. 3 (5) (page 4, line 12) add "except the first 10% of the amount over $5 million shall be credited to the endowment fund created in section 3(3)".

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

The Bernard-Stevens-Beutler amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Avery offered the following amendment:
FA623
(Amendments to E & R amendments, AM7282)
New Section
1. On page 4, line 12, after the first period insert:
"(6) The Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall report to the Appropriations Committee of the Legislature the amount of money expended pursuant to this section and its allocation."

Mr. Hartnett 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 13 ayes, 3 nays, and 33 not voting.

Mr. Avery requested a roll call vote on his amendment.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 22:

Abboud	Chambers	Jones	Schellpeper	Wehrbein
Avery	Engel	Klein	Schmitt	Wesely
Bernard-Stevens	Fisher	Landis	Schrock	Witek
Beutler	Hilgert	Preister	Vrtiska	Withem
	Janssen	Robinson		

Voting in the negative, 16:

Bohlke	Crosby	Jensen	Matzke	Pirsch
Brashear	Hillman	Kristensen	Maurstad	Warner
Brown	Hudkins	Lindsay	McKenzie	Wickersham
Coordsen				

Present and not voting, 2:

Elmer	Pedersen

Absent and not voting, 2:

Lynch Robak

Excused and not voting, 7:

Bromm Dierks Schimek Stuhr Will
Cudaback Hartnett

The Avery amendment lost with 22 ayes, 16 nays, 2 present and not voting, 2 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

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

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1264A. Advanced to E & R for engrossment.

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

LEGISLATIVE BILL 1076. E & R amendment, AM7232, printed separately and referred to on page 1221, was adopted.

Messrs. Wickersham, Wehrbein, Lynch, Mmes. Witek, Crosby, and Robak renewed their pending amendment, AM3799, found in the Journal on page 1269.

The Wickersham et al. amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Will renewed his pending amendment, AM3750, found in the Journal on page 1268.

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

Mr. Jones asked unanimous consent to be excused. No objections. So ordered.

Mr. Will moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Maurstad requested a roll call vote on the Will amendment.

Mr. Will requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Abboud	Crosby	Hilgert	Matzke	Schellpeper
Bernard-Stevens	Dierks	Hillman	McKenzie	Wickersham
Beutler	Fisher	Jensen	Pirsch	Will
Bohlke	Hartnett	Landis	Preister	Witek
Brashear		Lindsay	Robak	Withem

Voting in the negative, 6:

Kristensen	Pedersen	Schrock	Warner	Wehrbein
Maurstad				

Present and not voting, 11:

Avery	Coordsen	Hudkins	Schmitt	Vrtiska
Brown	Elmer	Janssen	Stuhr	Wesely
Chambers				

Excused and not voting, 7:

Bromm	Jones	Lynch	Robinson	Schimek
Cudaback	Klein			

The Will amendment was adopted with 25 ayes, 6 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1076A. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 256, 256A, 642, and 642A.

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 604, 1085, 1085A, 1248, 1248A, and LR 292CA.

Enrollment and Review Change to LB 604

The following changes, required to be reported for publication in the Journal, have been made:
ER9173

1. In the Schrock amendment, AM4282, section 8 has been renumbered as section 16.

2. In the Pirsch amendment, AM3999:

a. On page 1, the matter beginning with "Reissue" in line 2 through "Nebraska" in line 3 has been struck and "Revised Statutes Supplement, 1994" inserted;

b. On page 4, line 8, "Sec. 345." has been struck and "~~79-1004.04.~~" inserted; and

c. On page 7, line 8, "14-554, 79-1004," has been struck and "79-1004" inserted; and in line 9 the first "and" has been struck and "section 14-554, Revised Statutes Supplement, 1994," inserted.

3. On page 1, the matter beginning with "schools" in line 1 through line 5 has been struck and "political subdivisions; to amend sections 79-402, 79-402.15, 79-701, 79-1004, 79-1005, and 79-1108, Reissue Revised Statutes of Nebraska, section 14-554, Revised Statutes Supplement, 1994, sections 23-1601 and 79-1040, Revised Statutes Supplement, 1995, sections 79-403 and 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by sections 205 and 345, respectively, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, and section 228, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to county, city, and school district treasurers; to provide for the distribution of funds; to change provisions relating to affiliation of and transfer of property between school districts; to change provisions relating to certain petitions for dissolution of school districts as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.".

Enrollment and Review Change to LB 642
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9172

1. On page 1, line 7, "to harmonize provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1085

The following changes, required to be reported for publication in the Journal, have been made:
ER9170

1. Sections have been renumbered and internal references corrected to incorporate all adopted amendments.

2. In the E & R amendments, AM7255, on page 2, line 15, "23-1301, 23-1501, 23-1601.01, 23-1701, 23-1901.01, 23-3204," has been inserted after the third comma; in line 17 "23-3401," has been inserted after the fourth comma; in line 19 "23-1201.01," has been inserted after "sections"; and in line 24 "to change residency provisions for certain county officers; to provide duties for drainage districts and natural resources districts;" has been inserted after the second semicolon.

3. In the Standing Committee amendments, AM3649:

a. On page 40, line 26, "23-1301, 23-1501, 23-1601.01, 23-1701, 23-1901.01, 23-3204," has been inserted after the first comma; and

b. On page 41, line 1, "23-3401," has been inserted after the first comma; and in line 2 "23-1201.01," has been inserted after "sections".

(Signed) David I. Maurstad, Chairperson

NOTICE OF COMMITTEE HEARING
Rules

Wednesday, April 10, 1996, Room 2102 (cancelled) 2:30 p.m.
Tuesday, April 9, 1996, Room 2102 (rescheduled) 2:30 p.m.
Proposed Changes to the Rules

(Signed) Eric Will, Chairperson

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 1212:
(Amendment on file in the Clerk's Office - Room 2018 - AM4367.)

Mr. Lindsay filed the following amendment to LB 1375:
AM4399

(Amendments to AM4153)

1. On page 2, line 14, after "function" insert "and no fees shall be set or raised without the opportunity for public input".

Mr. Preister filed the following amendment to LB 1212:
(Amendment on file in the Clerk's Office - Room 2018 - AM4386.)

Mr. Will filed the following amendment to LB 1212:
(Amendment on file in the Clerk's Office - Room 2018 - AM4369.)

Mr. Withem filed the following amendment to LB 1263:
AM4025

1. Insert the following new sections:
"Section 1. Section 49-1401, Revised Statutes Supplement, 1995, is amended to read:
49-1401. Sections 49-1401 to 49-14,140 and section 2 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. (1) Any person who does not reside in Nebraska or whose principal place of business is outside of Nebraska that makes contributions or expenditures, including independent expenditures, of ten thousand dollars or more in a calendar year for the purpose of supporting or opposing the nomination or election of a candidate or for the purpose of supporting or opposing the qualification, passage, or defeat of a ballot question shall file with the commission an out-of-state contribution report.

(2) An out-of-state contribution report shall be filed on a form prescribed by the commission within ten days after the end of the calendar month in which contributions or expenditures first reach or exceed ten thousand dollars in a calendar year.

(3) An out-of-state contribution report shall disclose as to each contribution or expenditure not previously reported (a) the amount, nature, value, and date of the contribution or expenditure, (b) the name and address of the committee, candidate, or person who received the contribution or expenditure, (c) the name and address of the person filing the report, and (d) the name, address, occupation, and employer of each person who contributed more than two hundred dollars in the calendar year to the person filing the report.

(4) After the filing of the initial out-of-state contribution report pursuant to subsection (1) of this section, the person shall file with the commission an out-of-state contribution report within ten days after the end of each calendar month in which any contribution or expenditures is made.

(5) The provisions of this section shall not apply to (a) a person required to file a report or campaign statement pursuant to section 49-1469, (b) a committee having a statement of organization on file with the commission, or (c) a person or committee registered with the Federal Election Commission.

(6) Any person who fails to file an out-of-state contribution report with the commission as required by this section shall pay to the commission a late filing fee of fifty dollars for each day the report remains not filed in violation of this section, not to exceed one thousand five hundred dollars or ten percent of the amount of the contributions or expenditures which were required to be reported, whichever is greater.".

2. On page 9, line 23, strike the second "and"; and in line 24 after the last comma insert "and section 49-1401, Revised Statutes Supplement, 1995,".

3. Renumber the remaining sections accordingly.

Mr. Warner filed the following amendment to LB 1290:
AM4398

1. Insert the following new sections:

"Section 1. The Department of Revenue shall, on or before the fifteenth day of October and February of every year and the fifteenth day of April in odd-numbered years, make an estimate of the amount of sales tax refunds to be paid under the Employment and Investment Growth Act during the fiscal years to be forecast under section 77-27,158. The estimate shall be based on the most recent data available including pending and approved applications and updates thereof as are required by subdivisions (2)(e) and (4)(e) of section 77-4104. The estimate shall be forwarded to the Legislative Fiscal Analyst and the Nebraska Economic Forecasting Advisory Board and made a part of the advisory forecast required by section 77-27,158.

Sec. 2. Section 77-4104, Revised Statutes Supplement, 1994, is amended to read:

77-4104. (1) In order to utilize the incentives set forth in the Employment and Investment Growth Act, the taxpayer shall file an application for an agreement with the Tax Commissioner.

(2) The application shall contain:

(a) A written statement describing the plan of employment and investment for a qualified business in this state;

(b) Sufficient documents, plans, and specifications as required by the Tax Commissioner to support the plan and to define a project;

(c) If more than one location within this state is involved, sufficient documentation to show that the employment and investment at different locations are interdependent parts of the plan. A headquarters shall be presumed to be interdependent with any other location directly controlled by such headquarters. A showing that the parts of the plan would be considered parts of a unitary business for corporate income tax purposes shall not be sufficient to show interdependence for the purposes of this subdivision; ~~and~~

(d) A nonrefundable application fee of five hundred dollars. The fee shall be deposited into the Employment and Investment Growth Fund, which fund is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act; and

(e) A timetable showing the expected sales tax refunds and what year they are expected to be claimed. The timetable shall include both direct refunds due to investment and credits taken as sales tax refunds as accurately as possible.

The application and all supporting information shall be confidential except for the information required to be reported by section 77-4110 and section 1 of this act.

(3) Once satisfied that the plan in the application defines a project consistent with the purposes stated in section 77-4102 in one or more qualified business activities within this state, that the plans will result in either (a) the investment in qualified property of at least three million dollars and the hiring of at least thirty new employees or (b) the investment in qualified property resulting in a net gain in the total value of tangible property in this state of a type subject to depreciation, amortization, or other recovery under the Internal Revenue Code of 1986 of at least twenty million dollars, and that the required levels of employment and investment for the project will be met prior to the end of the sixth year after the year in which the application was submitted, the Tax Commissioner shall approve the application. In determining the net gain in value for purposes of this subsection, all tangible personal property shall be valued in a manner consistent with the value determined for qualified property, and the total value on the last day of each year shall be compared with the total value on the last day of the base year.

(4) After approval, the taxpayer and the Tax Commissioner shall enter into a written agreement. The taxpayer shall agree to complete the project, and the Tax Commissioner, on behalf of the State of Nebraska, shall designate the approved plans of the taxpayer as a project and, in consideration of the taxpayer's agreement, agree to allow the taxpayer to use the incentives contained in the Employment and Investment Growth Act. The application, and all supporting documentation, to the extent approved, shall be considered a part of the agreement. The agreement shall state:

(a) The levels of employment and investment required by the act for the project;

(b) The time period under the act in which the required levels must be met;

(c) The documentation the taxpayer will need to supply when claiming an incentive under the act; ~~and~~

(d) The date the application was filed; and

(e) A requirement that the company update the Department of Revenue annually on any changes in plans or circumstances which affect the timetable of sales tax refunds as set out in the application. If the company fails to comply with this requirement, the Tax Commissioner may defer any pending sales tax refunds until the company does comply.

(5) The incentives contained in section 77-4105 shall be in lieu of the tax credits allowed by section 77-27,188 for any project. In computing credits under section 77-27,188, any investment or employment which is eligible for benefits under the Employment and Investment Growth Act shall be subtracted from the increases computed for determining the credits under section 77-27,188.

(6) A taxpayer and the Tax Commissioner may enter into

agreements for more than one project and may include more than one project in a single agreement. The projects may be either sequential or concurrent. A project may involve the same location as another project. No new employment or new investment shall be included in more than one project for either the meeting of the employment or investment requirements or the creation of credits. When projects overlap and the plans do not clearly specify, then the taxpayer shall specify in which project the employment and investment belongs.

Sec. 3. Section 77-4112, Reissue Revised Statutes of Nebraska, is amended to read:

77-4112. (1) The changes made in sections 77-4103 to 77-4105 and 77-4107 by Laws 1988, LB 1234, shall become operative for all applications filed on and after January 1, 1988. For all applications filed prior to January 1, 1988, the provisions of the Employment and Investment Growth Act as they existed immediately prior to such date shall apply.

(2) Section 1 of this act and the changes made in section 77-4104 by this legislative bill shall become operative for all applications filed on or after May 1, 1996.".

2. Renumber the remaining sections and correct the repealer accordingly.

Mr. Wesely filed the following amendment to LB 1212:
(Amendment on file in the Clerk's Office - Room 2018 - AM4368.)

SELECT FILE

LEGISLATIVE BILL 1155. E & R amendment, AM7236, printed separately and referred to on page 1221, was adopted.

Mrs. McKenzie and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely renewed his pending amendment, AM3673, printed separately and referred to on page 1268.

Messrs. Maurstad and Wesely renewed their pending amendment, AM4161, found in the Journal on page 1605, to the Wesely pending amendment.

Messrs. Brashear and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The Maurstad-Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Bernard-Stevens and Schrock asked unanimous consent to be excused. No objections. So ordered.

The Wesely amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Beutler withdrew his amendments, AM4024 and AM4035, found in the Journal on pages 1435 and 1466.

Mr. Wesely renewed his pending amendment, AM4382, found in the Journal on page 1858.

The Wesely amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Wesely renewed the Schimek pending amendment, AM3560, found in the Journal on page 1046.

The Schimek amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1155A. E & R amendment, AM7286, found in the Journal on page 1715, was adopted.

Mr. Wesely offered the following amendment:
AM4021

1. Insert the following new section:

"Sec. 3. There is hereby appropriated $13,660 from the General Fund and $7,500 from the Department of Health Cash Fund for FY1996-97 to the Department of Health, for Program 177, to aid in carrying out the provisions of Legislative Bill 1155, Ninety-fourth Legislature, Second Session, 1996.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $9,630 for FY1996-97.

If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law, the unexpended General Fund balance remaining on December 31, 1996, of the appropriation made pursuant to this section shall be transferred and is hereby appropriated in the following manner: (1) 28 percent to Agency 25, Department of Health and Human Services, Program 177, Administration; (2) 20 percent to Agency 26, Department of Health and Human Services Finance and Support, Program 177, Administration; and (3) 52 percent to Agency 20, Department of Health and Human Services Regulation and Licensure, Program 177, Administration, for FY1996-97.

If Legislative Bill 1044A, Ninety-fourth Legislature, Second Session, 1996, becomes law, the unexpended cash fund balance remaining on December 31, 1996, shall be transferred and is hereby

appropriated in the following manner: (a) 33 percent to Agency 25, Department of Health and Human Services, Program 177, Administration; (b) 27 percent to Agency 26, Department of Health and Human Services Finance and Support, Program 177, Administration; and (c) 40 percent to Agency 20, Department of Health and Human Services Regulation and Licensure, Program 177, Administration, for FY1996-97.

The Wesely amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1362. E & R amendment, AM7241, found in the Journal on page 1286, was adopted.

Messrs. Hartnett and Maurstad renewed their pending amendment, AM3915, printed separately and referred to on page 1324.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

The Hartnett-Maurstad amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Messrs. Withem and Wickersham filed the following amendment to LB 1375:

AM4408

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) The Task Force on Electronic Access to State Government Information is created. The task force shall consist of the following members:

(a) The chairperson of the Executive Board of the Legislative Council;

(b) The Speaker of the Legislature;

(c) The chairperson of the Government, Military and Veterans Affairs Committee of the Legislature;

(d) Three members of the Legislature appointed by the chairperson of the Executive Board of the Legislative Council;

(e) The Secretary of State; and

(f) Three 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 representative appointed by the Governor to be broadly representative of banking, insurance, and law groups;

(b) One representative appointed by the Governor to be broadly representative of libraries, consumer groups, and the general public; and

(c) One representative appointed by the Governor to represent agencies of the executive branch of government.

(3) The chairperson of the Executive Board of the Legislative Council shall be the chairperson of the task force. The members shall be appointed within twenty days after the effective date of this act.

(4) The task force shall investigate how to best oversee and provide electronic access to public records. The investigation shall include, but not be limited to:

(a) Convening at least three public meetings for input from the general public and individuals knowledgeable in areas related to electronic access to information;

(b) Exploring technological ways and means of improving access to public records;

(c) A comparative review of other states;

(d) A comprehensive review of access to public records; and

(e) A review and analysis of current oversight of electronic access to public records.

The task force shall provide a written report by December 1, 1996, to the Legislature which includes recommendations for any changes to state law that are necessary to best oversee and provide electronic access to public records.

(5) The task force shall cease to exist on December 31, 1996.".

Mr. Wesely filed the following amendment to LB 1076:
FA624
Strike the Will amendment, AM3750.

PROPOSED RULES CHANGE

Mr. Avery asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

RE: Vacancies in the Executive Board
(1) In Rule 1, Section 1 (b) add a new paragraph as such: "(v) The Chairman of the Appropriations Committee shall become a voting member of the Executive Board until the vacancy is filled.

Referred to the Rules Committee.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 1375. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LR 292CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were Greg Prauner from Battle Creek; 45 students and teacher from Lincoln High School, Lincoln; 21 ninth grade students and teacher from Friend; 20 fourth grade students and teacher from Elmwood-Murdock Elementary, Murdock; Senator Wesely's mother, Irene, from Lincoln and nephews, Corey James and Jeff Wesely, from Garland; Shirley Hinkle from Lincoln and Tanner Hinkle from Omaha; 19 fourth grade students and sponsor from Lincoln Elementary School, Beatrice; and 48 fourth grade students and teachers from Norris Elementary School, Firth.

The Doctor of the Day was Kathy Bliese from Waterloo.

ADJOURNMENT

At 3:24 p.m., on a motion by Mr. Cudaback, the Legislature adjourned until 8:30 a.m., Tuesday, April 9, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SEVENTH DAY - APRIL 9, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Lonnie Logan, United Congregational Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Beutler, Brashear, Chambers, Coordsen, Engel, Kristensen, Lindsay, Matzke, Preister, Robinson, Wesely, Will, Mmes. Bohlke, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 29, 29A, 108, 108A, 465, 465A, 634, 952, 1055A, 1174, 1177, 1188, 1188A, 1201, 1211, 1211A, 1226, 1226A, 1230, 1255, 1264, 1264A, 1322A, 1362, 1368, 1373A, and LR 27CA.

Enrollment and Review Change to LB 108

The following changes, required to be reported for publication in the Journal, have been made:
ER9176

1. Sections have been renumbered to incorporate all adopted amendments and internal references have been corrected accordingly.

2. In the Standing Committee amendments, AM3613:

a. On page 64, line 6 has been struck and "Department of Water Resources determines:" inserted; and in line 7 "The" has been struck and "That the" inserted; and

b. On page 76, lines 15 and 16, "Revised" through "1994" has been struck and "Reissue Revised Statutes of Nebraska" inserted.

3. On page 1, line 13, "to provide for applicability of certain provisions;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1177

The following changes, required to be reported for publication in the Journal, have been made:
ER9184

1. In the Standing Committee amendment, AM3653, on page 6, line 4, "or levy" has been inserted after "impose"; and in line 9 "5, 6, or 7" has been struck and "6, 7, or 8" inserted.

Enrollment and Review Change to LB 1188

The following changes, required to be reported for publication in the Journal, have been made:
ER9179

1. In the Matzke et al. amendment, AM4213:

a. On page 4, line 15, "(4)" has been struck and "(3)" inserted; and

b. On page 10, line 4, "rights" has been struck and "right" inserted.

Enrollment and Review Change to LB 1226

The following changes, required to be reported for publication in the Journal, have been made:
ER9185

1. In the Standing Committee amendment, AM3516:

a. On page 27, line 25, the semicolon has been struck and an underscored period inserted;

b. On page 28, line 2, the underscored period has been struck and a semicolon inserted;

c. On page 32, line 23, paragraphing has been inserted before "Committee";

d. On page 34, line 24, "minimize" has been struck and "minimized" inserted; and

e. On page 39, lines 6 and 20, "federal" has been struck.

2. In the E & R amendments, AM7291, on page 2, line 10, "define and" has been inserted after the first "to" and "to provide powers and duties;" has been inserted after the second semicolon.

Enrollment and Review Change to LB 1226A

The following changes, required to be reported for publication in the Journal, have been made:
ER9178

1. On page 1, line 3, "to state intent;" has been inserted after the semicolon.

Enrollment and Review Change to LB 1264

The following changes, required to be reported for publication in the Journal, have been made:
ER9180

1. In lieu of the Bernard-Stevens-Beutler amendment, FA622, in the E & R amendments, AM7282, on page 4, line 11, "athletic" has been struck; and in line 12 ", except that the first ten percent of the amount over five million dollars shall be credited to the endowment fund created in subsection (3) of this section" has been inserted after "campus".

2. In lieu of the Chambers amendment, FA602, in the E & R amendments, AM7282, on page 3, line 17, "undergraduate and" has been inserted after "pursue".

Enrollment and Review Change to LB 1362

The following changes, required to be reported for publication in the Journal, have been made:
ER9182

1. In the Hartnett-Maurstad amendment, AM3915:

a. On page 5, line 12, "(a)" has been struck and "(1)" inserted; and in line 14 "(b)" has been struck and "(2)" inserted; and

b. On page 17, line 2, "and" has been inserted after the fifth comma; and in line 3 "and 77-1701," has been struck.

2. On page 1, the matter beginning with "sanitary" in line 1 through line 7 has been struck and "political subdivisions; to amend sections 31-727.03 and 31-755, Reissue Revised Statutes of Nebraska, section 13-506, Revised Statutes Supplement, 1994, and sections 13-504, 13-508, 31-739, 77-1613.01, and 77-1701, Revised Statutes Supplement, 1995; to change provisions relating to budgets, levies, and tax statements; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 1368

The following changes, required to be reported for publication in the Journal, have been made:
ER9177

1. On page 1, line 2, "and" has been struck and a comma inserted and "and 77-4927," has been inserted before "Revised"; and in line 6 "to provide for refunds;" has been inserted after the first semicolon.

2. On page 2, line 4, "4" has been struck and "5" inserted.

3. On page 4, line 21, "79-4925" has been struck and "77-4925" inserted.

(Signed) David I. Maurstad, Chairperson

MESSAGES FROM THE GOVERNOR

April 3, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 847 was received in my office on April 1, 1996.

This bill was signed by me on April 3, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 4, 1996

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

Dear Madam President and Senators:

I am returning LB 847A with line item reductions.

My vetoes reduce the appropriations for both FY1996-97 and FY1997-98 by $26,075 including $20,220 in salaries for both fiscal years.

LB 847 stipulates that the Public Employees Retirement Board (PERB) shall hire an attorney to advise the PERB and Nebraska Public

Employees Retirement System (NPERS) staff regarding various retirement matters. I believe the addition of this legal position to be an important improvement to the makeup of the NPERS staff. LB 847A appropriates funds for this position and I approve of that appropriation.

I question however, the appropriation of retirement funds for the Retirement Specialist position envisioned in LB 847A. I recognize that LB 847 increases the workload at NPERS. I suggest however, that the initial effort should be to keep spending down, irrespective of whether the funds are General Fund monies or retirement funds, and to manage these additional responsibilities within current staffing levels.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

Enclosure

April 5, 1996

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

Dear Madam President and Senators:

The most prominent reason that the Tax Equalization and Educational Opportunity Act was enacted was to provide equalization in Nebraska's school finance formula. The effect of equalization is to send state aid to districts with few resources. This action was taken and has proven effective in avoiding the chaos which other states have experienced in their school finance systems.

After LB 1059 was enacted by the Legislature, the people of the state reaffirmed the principles contained in the newly enacted school finance law by providing input into the process which gave clear direction that the principles of equalization were worthwhile and needed to be pursued. Today that philosophy still holds true.

A number of provisions contained in this legislation are desperately needed within school districts in Nebraska. Most prevalent in my mind is the development of a sparsity factor, which will provide much needed relief to areas of the state adversely affected by earlier actions. LB 1050 will recognize the unique transportation needs of individual school districts. The changes in the factor ensuring a minimum effort of support within each school district will help those districts with very low valuations to receive an appropriate amount of state aid. It will begin to average the membership numbers (regarding student population) over a course of years to provide more stability to districts

with changes in student population. The bill will provide for a more accurate accounting of the option students. Incentives for voluntary reorganization will make difficult decisions less painful for districts and communities. Changes in impact aid will allow for a settlement which has been a long time in coming. The bill will also provide a formula for more state aid to districts which have been determined to have very few resources at their disposal.

Just a few years ago, we were in peril of losing local control and being subject to the whims of the court as many other states have been. By acting to ensure the stability of our finance methodology, we have done a great service to our schools and our students. We continue to have a quality education for all students in the state.

The importance of these substantive changes cannot be overlooked, but I am still concerned with the consequences of Nebraska's school finance system on some school districts. Even with the passage of LB 1050, our work is not done. I am very committed to the sparsity study and addressing the issue in the next legislative session. It is my intention to recognize the unique needs of districts which are necessarily small and have costs unique to the districts with few students and great distances. I pledge my full support to this study and an effective solution which recognizes those unique needs.

There is great difficulty in these decisions when sectional or regional problems are identified. Unfortunately, LB 1050 pits educators against educators. One is tempted to say, "I have friends who support it and friends who oppose it, and I am with my friends." But I must look to the benefit of the whole state even though I feel certain areas may be adversely affected. The overall goal must still be to make the resources available to us work in the best manner possible. I must also take into consideration the strong message of support sent by the Legislature with 36 votes to pass this measure.

LB 1050 provides us with an opportunity. It has fixed some inequities in our school aid formula and has provided focus on issues which still need to be addressed. I believe every taxpayer is willing to pay their fair share of taxes to support their schools. We must continue to work toward ensuring that state support of schools is done in a manner which is in the best interest of Nebraska as a whole--the sake of our children's education.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN/tre

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts, audit reports and/or management letters
- Administrative Services, Department of, Task Force for Building Renewal LB 309
- Education, Department of, Instruction Technology Prog. 443
- Environmental Quality, Department of, Community Improvement Cash Funds
- Ethanol Board
- Ethanol Board, Tax Credit Gasoline Transfers
- Foster Care Review Board
- Governor Programs, 002-Salary, 018-Pol. Res., 021-Governor
- Indian Affairs, Commission on
- Legislative Council
- Lieutenant Governor, Nebraska
- Motor Vehicle Industry Licensing Board
- Public Employees' Retirement Systems Deferred Compensation Plan
- Public Institutions, Department of, Thomas Fitzgerald Veterans' Home Members' Trust Fund
- Revenue, Department of, Cigarette Tax Receipts
- Revenue, Department of, Motor Fuel Tax Enforcement and Collection Division
- University of Nebraska

Investment Council, Nebraska (NIFA)
- Annual Report for 1995
- Series A and B Community Development Loan Notes Quarterly Report (City Lincoln - 1995) (NEB. REV. STAT. § 58-270(4))

Patrol, State
- Drug Cash Fund Report for 1995

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1189. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend sections 90-511 and 90-512, Revised Statutes Supplement, 1995; Laws 1995, LB 325A, sections 56 and 57; Laws 1995, LB 391, sections 11, 17, 19, 24, 25, 26, 27, 28, 41, 42, 55, and 59; Laws 1995, LB 392, sections 9, 17, 18, 19, 22, 24, 31, 38, 48, 49, 51, 54, 55, 78, 90, 98, 100, 103, 104, 105, 106, 119, 145, 146, 147, 156, 178, 182, 184, 193, 194, 196, 200, 201, 210, 215, 232, 238, 239, 240, 249, 252, 253, 254, 255, and 256; Laws 1995, LB 394, sections 6, 7, 8, 9, 10, and 18; Laws 1995, LB 490A, section 1; and Laws 1995, LB 646A, 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 state intent; to transfer funds; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Avery	Elmer	Jensen	McKenzie	Schrock
Beutler	Engel	Jones	Pedersen	Stuhr
Bohlke	Fisher	Klein	Pirsch	Vrtiska
Brashear	Hartnett	Kristensen	Robak	Warner
Brown	Hilgert	Landis	Robinson	Wehrbein
Coordsen	Hillman	Lynch	Schellpeper	Wickersham
Crosby	Hudkins	Matzke	Schimek	Witek
Cudaback	Janssen	Maurstad	Schmitt	Withem
Dierks				

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Bromm

Excused and not voting, 6:

Abboud	Bernard-Stevens	Lindsay	Preister	Wesely
				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 bill: LB 1189.

MR. COORDSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 1375. E & R amendment, AM7270, found in the Journal on page 1664, was adopted.

Mr. Withem renewed his pending amendment, AM4156, found in the Journal on page 1802.

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

Mr. Withem offered the following amendment to his pending amendment:
FA625
Amend AM4156
to strike in line 5, after "information." rest of line and lines 6 & 7.

PRESIDENT ROBAK PRESIDING

Mr. Withem withdrew his amendment, FA625.

Mr. Withem withdrew his amendment, AM4156.

Mr. Bromm and Mrs. Hillman offered the following amendment:
AM4426

(Amendments to AM4153)

1. Strike sections 3 and 4 and all amendments thereto and insert the following new sections:

"Sec. 3. (1) An agency may not enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records or provide electronic access to public records for a fee greater than allowed by state law except as specified in section 4 of this act. Any such contract in existence on the effective date of this act and any contracts entered into pursuant to section 4 of this act shall be terminated on January 31, 1998, unless sooner voided or terminated by order of a court of competent jurisdiction. This act shall not be construed to validate, ratify, or adopt any such contract existing on, prior to, or after the effective date of this act.

(2) Any subscriber contract arising out of contracts entered into pursuant to subsection (1) of this section and section 4 of this act or arising out of a contract in existence on the effective date of this act shall not be prohibited but shall also be terminated on January 31, 1998.

Sec. 4. Any agency desiring to enter into a contract, alone or in cooperation with a private entity or nonstate agency, to sell public records or provide electronic access to public records for a fee, if no fee is specified by state law, shall provide a written report to the Executive Board of the Legislative Council at least thirty days prior to entering into such contract. The report shall include, but not be limited to (1) a copy of the contract under consideration, (2) the public information which is the subject of the contract, (3) subscriber fees for the specific public information which is the subject of the contract, (4) the

anticipated or actual timeline for implementation, and (5) any security provisions for the protection of confidential or sensitive records.".

2. On page 3, line 18, strike "and"; after line 18 insert the following new subdivision:

"(e) The Secretary of State; and"; and in line 19 strike "(e) and insert "(f)".

Mr. Chambers offered the following amendment to the Bromm-Hillman pending amendment:

FA626

Amend AM4426:

On page 1, in line 6, put a period after "law", and strike remaining language through "act" in line 7.

Messrs. Dierks and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

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

Mrs. Brown 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 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 32 ayes, 4 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

MESSAGE FROM THE GOVERNOR

April 9, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 43, 700, and 700A were received in my office on April 3, 1996; Engrossed Legislative Bills 233, 233A, 383, 515, 633, 932, 965, 1011, 1082, 1139, 1161, 1276, 1304, and 1321 were received on April 4, 1996.

These bills were signed by me on April 9, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1996, at 9:35 a.m., was the following bill: LB 1189.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 468. Introduced by Warner, 25, Chairperson of Revenue Committee.

PURPOSE: In 1996 the property tax issue remains important to a majority of Nebraskans. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. Included among these proposals were a number of proposals stemming from LR206 from 1995. These proposals, one or more of which may be enacted this year, may dramatically reduce the number of entities allowed to independently levy property taxes, place absolute dollar and cents limits on the actual tax levy, change the process by which property taxes are levied, change the taxation of motor vehicles, shift responsibilities from local to state tax bases, or otherwise alter the state-local or interlocal relationships. These proposals raise a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed are the proper distribution of the property tax levying authority under the constraints proposed by Legislative Bills 1085 and 1114, Ninety-fourth Legislature, Second Session, 1996; the proper balance of revenue sources to pay for state and local public services; the matching of revenue to services in a way that provides adequate, but not extravagant, public services; and the possible implementation of LR 292CA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 299 and 1114.

Enrollment and Review Change to LB 299

The following changes, required to be reported for publication in the Journal, have been made:
ER9175

1. In lieu of the Kristensen amendment, FA615, in the Janssen amendment, AM4375, on page 1, line 3, ", except judgments or orders from the Commission of Industrial Relations," has been inserted after "judgments".

2. In the Maurstad-Landis amendment, AM4225:

a. Sections 7, 8, 12 to 16, and 18 to 25 have been renumbered as sections 8, 9, 13 to 17, and 19 to 26, respectively;

b. Amendment 2 has been incorporated into the Warner et al. amendment, AM4281, on page 21, line 18;

c. On page 1, line 18, "it" has been struck and "the petition" inserted; and in line 20 the stricken comma has been reinstated; and

d. On page 5, line 15, the stricken comma has been reinstated.

3. In lieu of the Chambers amendment, FA614, in the Withem et al. amendment, AM4278, on page 1, the matter beginning with "The" in line 6 through "(7)" in line 16 has been struck and "Seven additional members of the Legislature to be selected by the Executive Board of the Legislative Council; and

(3)" inserted; and in line 17 "subdivision (1) through (6)" has been struck and "subdivisions (1) and (2)" inserted.

4. In the Warner et al. amendment, AM4281:

a. Sections 13 and 14 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 29. Section 79-3817, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

79-3817. For fiscal years 1996-97 and 1997-98, the allowable growth percentage shall be equal to the allowable growth rate set forth in section 79-3816. On or before July 1 of each year other than 1996 and 1997, the department shall determine and certify to each district an applicable allowable growth percentage carried out at least eight decimal places for each district as follows:

(1) For school fiscal years before school fiscal year 1996-97, the department shall determine a target budget level for each district by multiplying the average daily membership for the most recently available complete data year of each district in grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve by the unadjusted tiered cost per student as determined in section 79-3805 for each grade grouping. The sum of such products shall be each district's target budget level. For school year ~~1996-97~~ 1998-99 and each school year thereafter, the department shall determine a target budget level for each district by multiplying the average daily membership for the most recently available complete data year of each district in grades kindergarten, one through six, including full-day kindergarten, seven and eight, and nine through twelve by the adjusted tiered cost per student as calculated under section 16 of this act for each grade grouping. The sum of such products and the district's transportation allowance shall be each district's target budget level;

(2) The department shall establish a target budget level range of general fund operating expenditure levels for each district which shall begin at twenty percent less than the target budget level and end at the target budget level. The beginning point of the range shall be assigned a number equal to the maximum allowable growth rate established in section 79-3816, and the end point of the range shall be assigned a number equal to the basic allowable growth rate as prescribed in section 79-3816 such that the lower end of the range shall be assigned

the maximum allowable growth rate and the higher end of the range shall be assigned the basic allowable growth rate; and

(3) Each district's actual general fund operating expenditures shall be compared to its target budget level along the range described in subdivision (2) of this section to arrive at an applicable allowable growth rate as follows: If the district's actual general fund operating expenditures fall below the lower end of the range, such applicable allowable growth rate shall be the maximum growth rate identified in section 79-3816. If the district's actual general fund operating expenditures are greater than the higher end of the range, the district's allowable growth rate shall be the basic growth rate identified in section 79-3816. If the district's actual general fund operating expenditures fall between the lower end and the higher end of the range, the department shall use a linear transition calculation between the end points of the range to arrive at the applicable allowable growth rate for the district.

Sec. 30. Section 79-3819, Revised Statutes Supplement, 1995, as amended by section 32, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

79-3819. (1) A For fiscal years 1996-97 and 1997-98, a district may exceed its allowable growth rate for (a) budgeted expenditures for capital improvements as defined in section 1 of this act financed by the proceeds from a bond issue, appropriations from a sinking fund, or any other means, (b) expenditures to retire bonded indebtedness, (c) expenditures in support of a service which becomes the subject of an interlocal cooperation agreement or a modification of an existing agreement whether operated by one of the parties to the agreement or an independent joint entity for two fiscal years beginning with the first budget adopted after the agreement or modification is signed, (d) expenditures to pay for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act, (e) expenditures to pay for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a school district, or (f) expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment.

(2) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if the district demonstrates to the satisfaction of the state board that a new program is required by state or federal law or an existing program mandated by state or federal law has been expanded as a result of changes in state or federal law. For purposes of this subsection, a final order of a court, the State Board of Equalization and Assessment, the Tax Commissioner, the Tax Equalization and Review Commission, or the Property Tax Administrator from which no appeal is taken which requires reimbursement by a district of property taxes to a taxpayer

shall be considered a new program required by state or federal law but shall not be included as part of the general fund budget of expenditures for purposes of section 79-3814.

~~(2) A~~ (3) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if the district projects an increase in formula students in the district over the current school year greater than twenty-five students or greater than those listed in the schedule provided in this subsection, whichever is less. Districts shall project increases in formula students on forms prescribed by the department. The state board shall approve, deny, or modify the projected increases.

Average daily membership of district	Projected increase of formula students by percentage
0 - 50	10
50.01 - 250	5
250.01 - 1,000	3
1,000.01 and over	1

The department shall compute the district's estimated allowable budget per pupil using the budgeted general fund expenditures found on the budget statement for the current school year divided by the number of formula students in the current school year and multiplied by the district's applicable allowable growth rate. The resulting allowable budget per pupil shall be multiplied by the projected formula students to arrive at the estimated budget needs for the ensuing year. The department shall allow the district to increase its general fund budget of expenditures for the ensuing school year by the amount necessary to fund the estimated budget needs of the district as computed pursuant to this subsection. On or before July 1 of each year, the department shall make needed revisions in the applicable allowable growth rate of districts which have been allowed additional growth pursuant to this subsection to reflect the actual formula students of such district and shall certify such revisions to each district.

~~(3) A~~ (4) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if construction, expansion, or alteration of district buildings will cause an increase in building operation and maintenance costs of at least five percent. The department shall document the projected increase in building operation and maintenance costs and may allow a district to exceed its applicable allowable growth percentage by the amount necessary to fund such increased costs. The department shall compute the actual increased costs for the school year and shall, if needed, modify the district's applicable allowable growth rate for the ensuing school year.

~~(4) A~~ (5) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if the district demonstrates to the satisfaction of the state board that as a result of an order entered into by the Commission of Industrial Relations pursuant to section 48-818 establishing rates of

pay, benefits, and other terms and conditions of employment, the district will exceed its applicable allowable growth rate. The department shall compute the amount by which the increase in employee costs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

~~(5) A~~ (6) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if the district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of a contested, but settled, contract dispute, claim, or breach or uninsured risk or as a result of any final judgment of any court of competent jurisdiction, requiring or obligating the district to pay such judgment. The department shall compute the amount by which the increased cost of the settlement or judgment exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund budget of expenditures by such amount.

~~(6) A~~ (7) Except for fiscal years 1996-97 and 1997-98, a district may exceed its applicable allowable growth rate by a specific dollar amount if the district demonstrates to the satisfaction of the state board that it will exceed its applicable allowable growth rate as a result of costs pursuant to the Retirement Incentive Plan authorized in section 34 of this act or the Staff Development Assistance authorized in section 35 of this act. The department shall compute the amount by which the increased cost of such program or programs exceeds the district's applicable allowable growth rate and shall allow the district to increase its general fund expenditures by such amount for that fiscal year.";

b. On page 3, line 21, an underscored comma has been inserted after "state"; and

c. On page 4, the matter beginning with "Nebraska" in line 16 through "1973" in line 17 has been struck and "Emergency Management Act" inserted;

d. On page 9, line 13, "either" has been struck and shown as stricken; and

e. On page 21, line 12, "79-3817" has been struck and "2-206, 2-2431, 16-802, 17-939, 22-210, 23-122, 23-164, 25-519, 25-1409, 25-2228, 46-142, 46-271, 46-568, 54-304, 54-314," inserted; in line 15 "79-3819," has been struck and ", section 79-3817, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996, and section 79-3819, Revised Statutes Supplement, 1995, as amended by section 32, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995"; line 19 has been struck and "sections 77-3437 and 77-3438.02, Revised" inserted; and in line 20 ", and sections 77-3438 and 77-3439, Revised Statutes Supplement, 1995, as amended by sections 1064 and 1065, respectively Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995".

5. On page 1, the matter beginning with "revenue" in line 1 through line 5 and all amendments thereto have been struck and "government; to amend sections 2-206, 2-2431, 16-802, 17-939, 22-210, 23-122, 23-164, 25-519, 25-1409, 25-2228, 46-142, 46-271, 46-568, 54-304, 54-314, and 79-3820, Reissue Revised Statutes of Nebraska, sections 13-503, 13-511, and 23-3616, Revised Statutes Supplement, 1994, sections 13-508, 79-3814, 79-3816, and 85-1517, Revised Statutes Supplement, 1995; section 79-3817, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996, and section 79-3819, Revised Statutes Supplement, 1995, as amended by section 32, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996; to provide, change, and eliminate spending limits on political subdivisions with tax levy authority; to state intent; to create a task force; to change and eliminate certain publication requirements; to harmonize provisions; to appropriate funds; to repeal the original sections; to outright repeal sections 77-1712, 77-1713, and 77-1714, Reissue Revised Statutes of Nebraska, sections 77-3438.01 and 77-3440, Revised Statutes Supplement, 1994, sections 77-3437 and 77-3438.02, Revised Statutes Supplement, 1995, and sections 77-3438 and 77-3439, Revised Statutes Supplement, 1995, as amended by sections 1064 and 1065, respectively, Legislative Bill 900, Ninety-fourth Legislature, 1996; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1114

The following changes, required to be reported for publication in the Journal, have been made:
ER9174

1. In the Warner-Wickersham amendment, AM4364, on page 3, line 4, the comma has been struck and shown as stricken.

2. In the Janssen-Bromm amendment, AM4295, on page 1, line 12, the underscored period has been struck and an underscored comma inserted.

3. In the Beutler amendment, FA607, on page 1, "1 & 3" has been struck and "1 to 3" inserted.

4. In the E & R amendments, AM7264:

a. Section 62 has been struck and the following new section inserted:

"Sec. 74. Original sections 2-203, 2-203.02, 2-203.05, 2-3211.01, 13-303, 15-1026, 18-1221, 23-129, 23-224, 31-411.02, 35-508, 35-509, 35-514.02, 39-1637, 39-1649, 51-201, 51-316, 51-501, 71-1638, 80-202, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-229, 2-958, 2-1604, 2-2447, 2-3225, 3-504, 3-603, 3-605, 3-613, 3-707, 12-914, 12-923, 13-1304, 16-702, 17-702, 18-501, 18-512, 19-1309, 23-119, 23-259, 23-276, 23-320.05, 23-320.07, 23-320.11, 23-355.01, 23-360, 23-2909, 23-3511, 23-3616, 32-1042, 71-1629.01, 71-1637, and 74-1306, Revised Statutes

Supplement, 1994, and sections 2-2444, 16-1019, 16-1038, 23-120, 23-3519, 23-3552, 39-1621, 79-2210, and 85-1517, Revised Statutes Supplement, 1995, are repealed.";

b. On page 71, line 11, the matter beginning with "11" through "63" has been struck and "3, 5 to 12, 14 to 71, 74, and 75" inserted; and

c. On page 72, lines 7 through 16 have been struck and "sections 2-203, 2-203.02, 2-203.05, 2-2428, 2-3211.01, 13-303, 15-1026, 18-1221, 23-129, 23-224, 31-411.02, 35-508, 35-509, 35-514.02, 39-1637, 39-1649, 51-201, 51-316, 51-501, 71-1638, 80-202, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-229, 2-958, 2-1604, 2-2447, 2-3225, 3-504, 3-603, 3-605, 3-613, 3-707, 12-914, 12-923, 13-1304, 16-702, 17-702, 18-501, 18-512, 19-1309, 23-119, 23-259, 23-276, 23-320.05, 23-320.07, 23-320.11, 23-355.01, 23-360, 23-2909, 23-3511, 23-3616, 32-1042, 71-1629.01, 71-1637, and 74-1306, Revised Statutes Supplement, 1994, and sections 2-2444, 16-1019, 16-1038, 23-120, 23-3519, 23-3552, 39-1621, 79-2210, and 85-1517, Revised Statutes Supplement, 1995;" inserted; in line 19 "to authorize creation of councils on public improvements and services;" has been inserted after the semicolon; in line 20 "to eliminate rural mail route and township band provisions;" has been inserted after the first semicolon; and in line 21 "23-344," has been inserted after the second "sections".

5. Sections have been renumbered to incorporate all adopted amendments.

(Signed) David I. Maurstad, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative resolution 372.

LR	Committee
372	Agriculture

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 1375. The Bromm-Hillman pending amendment, AM4426, found in this day's Journal, as amended, was renewed.

Mr. Wickersham offered the following amendment to the Bromm-Hillman pending amendment:
AM4431

(Amendments to AM4426)

1. Insert the following new section:

"Sec. 5. Sections 3 and 4 of this act do not apply to incidental sales of books, maps, pamphlets, brochures, and similar materials for which less than two hundred dollars is charged per item.".

2. On page 1, line 5, after "records" insert ", other than photocopies,".

3. Renumber the remaining sections accordingly.

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

The Wickersham amendment was adopted with 33 ayes, 0 nays, 12 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. Lindsay offered the following amendment to the Bromm-Hillman pending amendment:

FA628

amend (AM4426) as follows:

On page 1, line 5 and line 21, strike "sell public records or"

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

Mr. Lindsay moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Bromm requested a roll call vote on the Lindsay amendment.

Voting in the affirmative, 20:

Beutler	Chambers	Hillman	Matzke	Schrock
Bohlke	Fisher	Klein	McKenzie	Warner
Brashear	Hartnett	Kristensen	Pedersen	Wesely
Brown	Hilgert	Lindsay	Schimek	Withem

Voting in the negative, 23:

Abboud	Cudaback	Janssen	Preister	Stuhr
Avery	Dierks	Jensen	Robinson	Vrtiska
Bromm	Elmer	Jones	Schellpeper	Wehrbein
Coordsen	Engel	Landis	Schmitt	Witek
Crosby	Hudkins	Pirsch		

Present and not voting, 1:

Maurstad

Excused and not voting, 5:

Bernard-Stevens Lynch Robak Wickersham Will

The Lindsay amendment lost with 20 ayes, 23 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay offered the following amendment to the Bromm-Hillman pending amendment:
FA627
Amend AM4426 as follows:
1. On page 2, line 8, after "records." insert "The Executive Board shall hold a public hearing at which it shall receive input from the public regarding the proposed contract."

The Lindsay amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment to the Bromm-Hillman pending amendment:
FA629
Amend AM4426 as follows:
On line 9, page 1 strike "pursuant to section 4 of this act" and add "thereafter, where no fee is specified by state law,"

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

The Beutler amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Bromm moved to suspend the rules and cease any further debate on amendments to AM4426 to LB 1375 and proceed to vote on the adoption of the amendment.

Mr. Bromm withdrew his motion to suspend the rules.

Mr. Chambers offered the following amendment to the Bromm-Hillman pending amendment:
FA630
Amend AM4426 by adding a new section.
"Any monies returned to a state agency as a result of a contract entered into with a private entity for the sale of electronic access to

public documents shall be deposited into the General Fund. No agency shall be authorized to deposit such monies in a cash fund from which it derives an appropriation."

Mr. Chambers withdrew his amendment.

The Bromm-Hillman amendment, AM4426, as amended, was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

Mrs. Hillman withdrew her amendment, AM4207, found in the Journal on page 1652.

Mr. Bromm withdrew his amendment, AM4300, found in the Journal on page 1791.

Mr. Bromm withdrew the Bromm et al. amendment, AM4371, found in the Journal on page 1868.

Mr. Lindsay withdrew his amendment, AM4399, found in the Journal on page 1902.

Messrs. Withem and Wickersham withdrew their amendment, AM4408, found in the Journal on page 1908.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1076 and 1076A.

Enrollment and Review Change to LB 1076

The following changes, required to be reported for publication in the Journal, have been made:
ER9181

1. In the Will amendment, AM3750:

a. On page 1, line 7, an underscored comma has been inserted after "lymphatic"; and

b. On page 2, line 3, "1" has been struck and "45" inserted.

2. On page 1, line 8, "define and redefine terms; to" has been inserted before "change"; in line 10 "purchase of service credit," has been inserted after the comma; in line 14 "to correct a reference to a federal act; to provide powers and duties; to provide a rebuttable presumption concerning the death or disability of a firefighter as a result of cancer;" has been inserted after the first semicolon; in lines 14

and 15 "to define and redefine terms; to provide powers and duties; to correct a reference to a federal act;" has been struck; and in line 16 "to provide duties for the Revisor of Statutes;" has been inserted after the first semicolon.

(Signed) David I. Maurstad, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Witek and Mr. Maurstad asked unanimous consent to have their names added as cointroducers to LB 1039. No objections. So ordered.

VISITORS

Visitors to the Chamber were Tracey Hart from Lincoln; 37 fourth grade students and sponsors from Washington/Davenport Elementary, Fremont; 45 fourth grade students and sponsors from Ackerman Elementary, Omaha; Jackie Wilkins, Linda Ingalsbe, Joyce Johnson, and Betty Heinssen from Blair; and Senator Lindsay's cousins, Ed and Joe Lindsay, from Omaha.

RECESS

At 12:12 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 Messrs. Abboud, Bernard-Stevens, Chambers, Coordsen, Engel, Kristensen, Matzke, Pedersen, Robinson, Wickersham, Mmes. Bohlke, and McKenzie who were excused until they arrive.

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.

Marquis Reed Gilmore - Oil and Gas Conservation Commission

VOTE: Aye: Senators Beutler, Bromm, Avery, Bohlke, Elmer, Jones, and McKenzie. Nay: None. Absent: Senator Preister.

(Signed) Chris Beutler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 469. Introduced by Dierks, 40, Chairperson of Agriculture Committee.

PURPOSE: The purpose of this study is threefold:

(1) To examine issues generally within the jurisdiction of the Agriculture Committee which may arise or be brought to the committee's attention during the interim;

(2) To examine the role of agriculture in the economy of the state and methods to enhance the value of agricultural production and to diversify rural economies; and

(3) To identify issues which could appropriately be assigned or reassigned to the jurisdiction of the Agriculture Committee.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 750. E & R amendment, AM7177, found in the Journal on page 589, was adopted.

Mr. Landis asked unanimous consent to replace his pending amendment, AM4332, printed separately and referred to on page 1791, with a substitute amendment.

Mr. Lindsay objected.

Mr. Landis renewed his pending motion, found in the Journal on page 1889, to suspend the germaneness rule to take up AM4332, amendment to LB 750.

Mr. Maurstad 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 26 ayes, 0 nays, and 23 not voting.

The Landis motion to suspend the rules prevailed with 30 ayes, 6 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to replace his pending amendment, AM4332, printed separately and referred to on page 1791, with a substitute amendment. No objections. So ordered.

Mr. Landis withdrew his amendment, AM4332, printed separately and referred to on page 1791.

Mr. Landis offered the following substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM4434.)

Messrs. Wehrbein, Schrock, Bernard-Stevens, Dierks, Withem, Avery, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis offered the following amendment to his pending amendment:
FA632
Strike § 14 and 19 of AM4434

The Landis amendment was adopted with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

Mr. Lindsay offered the following amendment to the Landis pending amendment:
FA631
(Amendments to AM4434)
1. On page 27, lines 20 through 25 and on page 28, lines 7 through 12, strike the new matter and insert "or a craft brewery license".

Messrs. Wehrbein, Maurstad, Janssen, Bernard-Stevens, and Fisher 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 lost with 6 ayes, 17 nays, 19 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay moved to suspend the rules, Rule 7(3)(d) to permit consideration of AM4438 to LB 750.

Mr. Maurstad and Mrs. McKenzie 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.

Mr. Lindsay requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 10:

Crosby	Hilgert	Lindsay	Maurstad	Preister
Engel	Jensen	Lynch	Pedersen	Witek

Voting in the negative, 22:

Abboud	Cudaback	Landis	Robinson	Stuhr
Avery	Elmer	Matzke	Schellpeper	Wesely
Bohlke	Hillman	Pirsch	Schimek	Wickersham
Bromm	Hudkins	Robak	Schrock	Will
Coordsen	Klein			

Present and not voting, 11:

Beutler	Dierks	Jones	Schmitt	Warner
Brashear	Hartnett	Kristensen	Vrtiska	Withem
Brown				

Excused and not voting, 6:

Bernard-Stevens	Chambers	Janssen	McKenzie	Wehrbein
	Fisher			

The Lindsay motion to suspend the rules lost with 10 ayes, 22 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

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

The Landis amendment, AM4434, as amended, was adopted with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Lindsay withdrew his amendment, AM4346, found in the Journal on page 1816.

Mr. Lindsay renewed his pending amendment, AM4347, found in the Journal on page 1816.

Mr. Lindsay moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM4347.

Mr. Lindsay requested a record vote on his motion to suspend the rules.

Voting in the affirmative, 7:

Abboud	Hilgert	Lindsay	Maurstad	Witek
Dierks	Jensen			

Voting in the negative, 10:

Brown	Hillman	Klein	Landis	Schimek
Crosby	Hudkins	Kristensen	Schellpeper	Stuhr

Present and not voting, 24:

Avery	Coordsen	Jones	Robak	Warner
Beutler	Cudaback	Matzke	Robinson	Wesely
Bohlke	Elmer	Pedersen	Schmitt	Wickersham
Brashear	Engel	Pirsch	Schrock	Will
Bromm	Hartnett	Preister	Vrtiska	

Excused and not voting, 8:

Bernard-Stevens	Chambers	Janssen	McKenzie	Withem
	Fisher	Lynch	Wehrbein	

The Lindsay motion to suspend the rules lost with 7 ayes, 10 nays, 24 present and not voting, and 8 excused and not voting.

Mr. Lindsay renewed his pending amendment, AM4343, found in the Journal on page 1820.

Mr. Lindsay withdrew his amendment.

Mr. Landis moved to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote without further amendment or debate on the advancement of LB 750.

Mr. Landis moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Landis motion to suspend the rules prevailed with 30 ayes, 2 nays, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Lindsay requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Avery	Dierks	Hudkins	Robak	Schrock
Beutler	Elmer	Klein	Robinson	Stuhr
Bohlke	Engel	Landis	Schellpeper	Warner
Coordsen	Hartnett	Matzke	Schimek	Wesely
Crosby	Hillman	Maurstad	Schmitt	Wickersham
Cudaback				

Voting in the negative, 9:

Abboud	Hilgert	Lindsay	Pirsch	Witek
Bernard-Stevens	Kristensen	Pedersen	Vrtiska	

Present and not voting, 9:

Brashear	Brown	Jensen	Preister	Withem
Bromm	Janssen	Jones	Will	

Excused and not voting, 5:

Chambers	Fisher	Lynch	McKenzie	Wehrbein

Advanced to E & R for engrossment with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 1263. E & R amendment, AM7242, found in the Journal on page 1286, was adopted.

Mr. Bernard-Stevens renewed his pending amendment, AM3816, found in the Journal on page 1273.

Mr. Bernard-Stevens withdrew his amendment.

Mr. Withem withdrew his amendment, AM3813, found in the Journal on page 1278.

Mr. Withem renewed his pending amendment, AM4025, found in the Journal on page 1902.

Messrs. Coordsen, Kristensen, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem withdrew his amendment.

Mr. Brashear offered the following amendment:
AM4423
1. Insert the following new section:
"Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Brashear amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 33. E & R amendment, AM7249, found in the Journal on page 1470, was adopted.

Mr. Wehrbein renewed his pending amendment, AM3585, found in the Journal on page 1390.

The Wehrbein 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 1290. E & R amendment, AM7250, found in the Journal on page 1470, was adopted.

Mr. Warner withdrew his amendment, AM4020, found in the Journal on page 1433.

Mr. Withem offered the following amendment:
AM4379
1. Strike the original sections and all amendments thereto and insert the following new sections:
"Section 1. Section 77-4602, Revised Statutes Supplement, 1994, is amended to read:
77-4602. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 77-4601.
(2) Within fifteen days after the end of each fiscal ~~quarter~~ year, the public statement shall also include a summary of actual General Fund net receipts and estimated General Fund net receipts for the ~~preceding three months~~ fiscal year.
(3) If the actual General Fund net receipts for the

~~preceding three months~~ fiscal year as reported in subsection (2) of this section exceed estimated receipts for the ~~three-month period~~ fiscal year, the Tax Commissioner shall immediately certify to the ~~Director of Administrative Services~~ director such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount. ~~If the actual General Fund net receipts for the preceding three months are less than estimated General Fund net receipts for the three-month period, the Tax Commissioner shall immediately certify such amount to the director. If there are sufficient funds in the Cash Reserve Fund, the director shall authorize the State Treasurer to transfer the amount certified from the Cash Reserve Fund to the General Fund.~~

Sec. 2. Section 77-4603, Revised Statutes Supplement, 1994, is amended to read:

77-4603. (1) If an estimate of General Fund net receipts is changed in a regular or extraordinary meeting of the Nebraska Economic Forecasting Advisory Board and such change results in a special session of the Legislature to revise current fiscal year General Fund appropriations, the Tax Commissioner and the Legislative Fiscal Analyst shall certify the monthly receipt estimates, ~~for the remaining months of the fiscal year,~~ taking into consideration the most recent estimate of General Fund net receipts made by the Nebraska Economic Forecasting Advisory Board plus legislation enacted which has an impact on receipts that ~~were~~ was not included in the forecast. The new monthly certification shall be made by the fifteenth day of the month following the adjournment of the special session of the Legislature.

(2) If an estimate of General Fund net receipts is reduced in a regular or extraordinary meeting of the Nebraska Economic Forecasting Advisory Board, the Tax Commissioner and the Legislative Fiscal Analyst shall recertify the monthly receipt estimates, taking into consideration the most recent estimate of General Fund net receipts made by the Nebraska Economic Forecasting Advisory Board plus legislation enacted which has an impact on receipts that was not included in the forecast. The new monthly certification shall be made by the fifteenth day of the month following the meeting of the Nebraska Economic Forecasting Advisory Board.

(3) The new certified annual and monthly receipt estimates shall be used for the public statements required under section 77-4602.

Sec. 3. Section 84-612, Reissue Revised Statutes of Nebraska, is amended to read:

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 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.

(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.

(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.

(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. 4. Original section 84-612, Reissue Revised Statutes of Nebraska, and sections 77-4602 and 77-4603, Revised Statutes Supplement, 1994, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

MRS. CROSBY PRESIDING

The Withem amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Wehrbein withdrew his amendment, AM4302, found in the Journal on page 1844.

Mr. Warner renewed his pending amendment, AM4398, found in the Journal on page 1904.

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

The Warner amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1155, 1155A, and 1375.

Enrollment and Review Change to LB 1155

The following changes, required to be reported for publication in the Journal, have been made:
ER9183

1. Sections have been renumbered to incorporate all adopted amendments and internal references have been corrected accordingly.

2. In the Schimek amendment, AM3560:

a. Sections 7 and 9 have been struck; and

b. On page 3, line 16, "effective date of this act" has been struck and "operative date of this section" inserted.

3. In the Wesely amendment, AM4382:

a. On page 6, the matter beginning with "federal" in line 7 through "Department" in line 8 has been struck and "United States Secretary" inserted;

b. On page 9, the matter beginning with "The" in line 12 through "(8)" in line 16 has been struck; and in line 19 "(9)" has been struck and "(8)" inserted; and

c. On page 10, line 23, "The" has been struck and "Until January 1, 1997, the" inserted; and in line 27 "On and after January 1, 1997, the Department of Health and Human Services Regulation and Licensure shall notify the Department of Health and Human Services Finance and Support of any violation by a nursing facility, as defined in section 72 of this act, of federal regulations for participation in the medicaid program." has been inserted after the period.

4. In the Wesely amendment, AM3673:

a. Section 42 has been struck;

b. On page 6, line 3; and page 10, line 5, "until January 1, 1997, and on and after January 1, 1997, the Department of Health and Human Services" has been inserted after "Institutions";

c. On page 8, the new matter in lines 3 through 6 has been struck and "Until January 1, 1997, the Director of Medical Services shall serve at the pleasure of the Director of Public Institutions and the Director of Public Institutions shall assign duties to the Director of Medical Services. On and after January 1, 1997, the Director of Medical Services shall serve at the pleasure of the Director of Health and Human Services and the Director of Health and Human Services shall assign duties to the Director of Medical Services." inserted;

d. On page 9, line 22, "as amended by section 941, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996," has been inserted after the comma;

e. On page 10, the matter beginning with the stricken comma in line 11 through the comma in line 12 has been struck and "of Public Institutions until January 1, 1997, and on and after January 1, 1997, the Director ~~of the Department~~ of Health and Human Services" inserted; in lines 17 and 18 the underscoring has been struck; in line 18 the stricken matter has been struck; and in line 27 the stricken "liquors" has been struck and "~~liquor~~" inserted;

f. On page 11, lines 1, 6, and 8, the underscoring has been struck; and in line 6 the stricken matter has been struck;

g. On page 16, line 10; and page 29, line 17, "this act" has been struck, shown as stricken, and "the Nebraska Mental Health Commitment Act" inserted; and

h. On page 30, line 20, "83-308.02" has been struck and "112 of this act" inserted.

5. In the E & R amendments, AM7236:

a. Section 54 and all amendments thereto have been struck and

"Sec. 121. The following sections are outright repealed: Sections 12-608, 12-612.01, 68-721, 83-1,150 to 83-1,152, 83-308.01, and 83-344, Reissue Revised Statutes of Nebraska, section 68-1036.01, Revised Statutes Supplement, 1994, sections 12-610 to 12-612, 43-901, 43-902, 43-904, 43-909, 43-910, 43-913, 47-408, 68-214, and 83-1,149, Reissue Revised Statutes of Nebraska, as amended by sections 49 to 51, 181, 182, 184, 189, 190, 191, 273, 293, and 927, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, sections 12-607, 12-609, 68-1019.06, and 68-1019.08, Revised Statutes Supplement, 1994, as amended by sections 47, 48, 321, and 322, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, and section 68-157, Revised Statutes Supplement, 1995, as amended by section 292, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996." inserted;

b. On page 2, line 18; and page 23, line 10, "the Department of Social Services" has been struck and "until January 1, 1997, the Department of Social Services and on and after January 1, 1997, the Department of Health and Human Services" inserted;

c. On page 12, line 23, "Department of Social" has been struck and "department" inserted; and in line 24 the new matter has been struck;

d. On page 36, line 18, "or hospice as defined in the Hospice Licensure Act" has been inserted after "agency";

e. On page 76, line 2, "of Medical Services of the Department" has been struck and shown as stricken; and

f. On page 85, line 18, "71-5002," has been inserted after "71-1002,"; in line 19 "and 81-651" has been struck and "71-5805.01, 71-5813, 71-5828, 71-5846, 81-604.03, 81-651, 81-1021, 83-1,147, 83-1,148, 83-227.01, 83-305, 83-308, 83-308.02, 83-324, 83-336, 83-339, 83-340, 83-391, 83-1001, 83-1014, 83-1020, 83-1021, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1037, 83-1039, 83-1040,

83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, 83-1068, and 83-1078" inserted; in line 21 "and" has been struck and "71-5001," inserted; in line 22 "71-5801, 71-5803, 71-5810, and 71-6615," has been inserted after the first comma and "and" has been struck; and in line 24 ", and section 83-306, Reissue Revised Statutes of Nebraska, as amended by section 941, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996" has been inserted after "1995".

6. On page 1, lines 2 through 16 and all amendments thereto have been struck and "43-905, 43-1723, 43-1726, 43-1727, 44-772, 44-776, 44-777, 68-716, 68-1026, 71-1002, 71-5002, 71-5103, 71-5122, 71-5123, 71-5805.01, 71-5813, 71-5828, 71-5846, 81-604.03, 81-651, 81-1021, 83-1,147, 83-1,148, 83-227.01, 83-305, 83-308, 83-308.02, 83-324, 83-336, 83-339, 83-340, 83-391, 83-1001, 83-1014, 83-1020, 83-1021, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1037, 83-1039, 83-1040, 83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, 83-1068, and 83-1078, Reissue Revised Statutes of Nebraska, sections 42-358, 43-258, 43-1718.02, 43-1720, 43-1722, 71-507, 71-1637, 71-2017, 71-2017.01, 71-2017.07, 71-4604.01, 71-4606, 71-4608, 71-5001, 71-5211 to 71-5213, 71-5508, 71-5652 to 71-5654, 71-5662, 71-5664 to 71-5669, 71-5801, 71-5803, 71-5810, and 71-6615, Revised Statutes Supplement, 1994, sections 43-105, 44-773, 48-647, 71-1,132.06, 71-1,132.17, 71-387, 71-5102, 71-5108, and 71-5661, Revised Statutes Supplement, 1995, and section 83-306, Reissue Revised Statutes of Nebraska, as amended by section 941, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; to adopt the Hospice Licensure Act and the False Medicaid Claims Act; to provide, change, and eliminate powers and duties of the Department of Social Services relating to income withholding for child support and medical assistance benefits; to provide for listed Christian Science nurses; to change provisions relating to electrology; to change provisions relating to anatomical gifts; to change provisions regarding alcoholic and drug treatment centers; to change provisions relating to sales of recreational vehicles; to change and eliminate provisions relating to the Division of Medical Services of the Department of Public Institutions; to change provisions relating to ambulance services, the Primary Care Physician Act, the Nebraska Rural Health Systems and Professional Incentive Act, and the Nebraska Health Care Certificate of Need Act; to provide penalties for violations by nursing facilities of federal medicaid regulations; to create a fund; to change and eliminate provisions concerning treatment, placement, and extradition of mentally ill persons; to eliminate certification and inspection requirements for burial structures as prescribed; to eliminate references to the Nebraska Center for Children and Youth, a cash fund, and a task force; to eliminate duties of the Department of Social Services relating to waivers and reports; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 12-608, 12-612.01, 68-721, 83-1,150 to 83-1,152, 83-308.01, and 83-344, Reissue Revised Statutes of Nebraska, section 68-1036.01, Revised Statutes Supplement, 1994, sections 12-610 to

12-612, 43-901, 43-902, 43-904, 43-909, 43-910, 43-913, 47-408, 68-214, and 83-1,149, Reissue Revised Statutes of Nebraska, as amended by sections 49 to 51, 181, 182, 184, 189, 190, 191, 273, 293, and 927, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, sections 12-607, 12-609, 68-1019.06, and 68-1019.08, Revised Statutes Supplement, 1994, as amended by sections 47, 48, 321, and 322, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, and section 68-157, Revised Statutes Supplement, 1995, as amended by section 292, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency." inserted.

Enrollment and Review Change to LB 1155A

The following changes, required to be reported for publication in the Journal, have been made:
ER9186

1. In the E & R amendments, AM7286, on page 1, line 2, "a transfer" has been struck and "transfers" inserted.

Enrollment and Review Change to LB 1375

The following changes, required to be reported for publication in the Journal, have been made:
ER9187

1. In the Beutler Amendment, FA629, "where" has been struck and "if" inserted.

2. In the Bromm-Hillman amendment, AM4426, on page 1, line 7, the period has been struck.

3. In the E & R amendment, AM7270, on page 1, line 5, "to exempt incidental sales of books, maps, pamphlets, brochures, and similar materials as prescribed;" has been inserted after the first semicolon.

(Signed) David I. Maurstad, Chairperson

AMENDMENT - Print in Journal

Mrs. Witek filed the following amendment to LR 343:
AM4267

1. After the eleventh whereas clause insert the following new clause:

"WHEREAS, the Legislature has been advised by Special Assistant Attorney General Gary Clatterbuck that the lawsuit contemplated by this resolution (1) will be expensive due to the scope of the issues involved and the inclusion of several hundred necessary parties, (2) will likely fail to bring clarity and finality to the matter, and (3) may create more liability risks and unfavorable court rulings; and".

MOTION - Print in Journal

Mr. Lindsay filed the following motion to LB 750:
Suspend Rule 7, Section (3)(d) to permit consideration of AM4443.

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 750:
(Amendment on file in the Clerk's Office - Room 2018 - AM4443.)

Mr. Lindsay filed the following amendment to LB 750:
AM4441

(Amendments to AM4434)

1. On page 30, line 5, strike "March 1, 1997" and insert "January 31, 1998".

MOTION - Print in Journal

Mr. Lindsay filed the following motion to LB 750:
Bracket LB 750 until June 1, 1996.

AMENDMENTS - Print in Journal

Mr. Lindsay filed the following amendment to LB 750:
FA635
On page 8, line 23, strike "ten" and insert "one"

Mr. Wesely filed the following amendment to LB 1177:
FA636
Strike the enacting clause.

SELECT FILE

LEGISLATIVE BILL 1190. E & R amendment, AM7294, found in the Journal on page 1786, was adopted.

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

Messrs. Vrtiska, Wehrbein, Coordsen, Janssen, and Cudaback asked unanimous consent to have their names added as cointroducers to AM4182 to LB 1190. No objections. So ordered.

Mr. Lynch reoffered the Lynch et al. amendment, AM4182, found in the Journal on page 1654.

The Lynch et al. 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 1190A. E & R amendment, AM7293, found in the Journal on page 1786, was adopted.

Messrs. Vrtiska, Wehrbein, Coordsen, Janssen, and Cudaback asked unanimous consent to have their names added as cointroducers to AM4227 to LB 1190A. No objections. So ordered.

Mr. Lynch renewed the Lynch et al. pending amendment, AM4227, found in the Journal on page 1730.

The Lynch et al. amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 901 to Select File

Mr. Withem moved to return LB 901 to Select File for his specific amendment, AM4356, found in the Journal on page 1814.

The Withem motion to return prevailed with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 901. The Withem specific amendment, AM4356, found in the Journal on page 1814, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1039 to Select File

Mr. Warner moved to return LB 1039 to Select File for the Warner-Avery specific amendment, AM4230, found in the Journal on page 1697.

MR. COORDSEN PRESIDING

The Warner motion to return prevailed with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

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

SELECT FILE

LEGISLATIVE BILL 1039. The Warner-Avery specific amendment, AM4230, found in the Journal on page 1697, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1039 to Select File

Mr. Warner moved to return LB 1039 to Select File for the Warner-Cudaback specific amendment, AM4223, found in the Journal on page 1890.

The Warner motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1039. The Warner-Cudaback specific amendment, AM4223, found in the Journal on page 1890, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MR. BERNARD-STEVENS PRESIDING

WITHDRAW - Amendment to LB 1053

Mr. Beutler withdrew his amendment, FA544, found in the Journal on page 1267, to LB 1053.

MOTION - Return LB 1053 to Select File

Mr. Beutler moved to return LB 1053 to Select File for his specific amendment, AM4196, found in the Journal on page 1645.

The Beutler motion to return prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1053. The Beutler specific amendment, AM4196, found in the Journal on page 1645, was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1121 to Select File

Mr. Warner moved to return LB 1121 to Select File for his specific amendment, AM4268, found in the Journal on page 1857.

The Warner motion to return prevailed with 25 ayes, 4 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1121. The Warner specific amendment, AM4268, found in the Journal on page 1857, was adopted with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 1255 to Select File

Mr. Hilgert moved to return LB 1255 to Select File for the Hilgert-Will-Preister specific amendment, AM4242, found in the Journal on page 1867.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Jensen 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. Hilgert withdrew his motion to return.

MOTION - Return LB 1296 to Select File

Mr. Lindsay moved to return LB 1296 to Select File for the following Lindsay-Bromm-Wickersham-Brown-Matzke specific amendment: AM4413

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 3. Section 24-1104, Reissue Revised Statutes of Nebraska, is amended to read:

24-1104. (1) Decisions of the Court of Appeals shall be in the form of an order which may be accompanied by a memorandum opinion. The memorandum opinion shall not be published unless publication is ordered by the Court of Appeals. All memorandum opinions shall be filed with the Clerk of the Supreme Court, shall be public records, and shall be made available to the public in such manner as may be determined by the Court of Appeals.

(2) In determining whether to publish a memorandum opinion, the Court of Appeals may take into consideration one or more of the following factors:

(a) Whether the decision enunciates a new rule of law;
(b) Whether the decision applies an established rule of law to a factual situation significantly different from that in published opinions;
(c) Whether the decision resolves or identifies a conflict between prior Court of Appeals decisions;
(d) Whether the decision will contribute to legal literature by collecting case law or reciting legislative history; and
(e) Whether the decision involves a case of substantial and continuing public interest.

(3) All published memorandum opinions of the Court of Appeals, whether published before or after the effective date of this act, shall serve as precedent in courts and tribunals of the State of Nebraska inferior to the Court of Appeals unless the decision is modified, reversed, or overruled by the Supreme Court.

Sec. 30. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 1, line 1, after the last comma insert "24-1104,"; in line 9 after the semicolon insert "to provide precedential status to certain Court of Appeals' opinions;"; and in line 12 after the second semicolon insert "to provide severability;".

3. On page 29, line 20, strike "28, and 29" and insert "3 and 29 to 31"; and in line 23 strike "section 24-312" and insert "sections 24-312 and 24-1104".

4. Renumber the remaining sections and correct internal references accordingly.

PRESIDENT ROBAK PRESIDING

The Lindsay motion to return prevailed with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1296. The Lindsay et al. specific amendment, AM4413, found in this day's Journal, was renewed.

Mr. Chambers requested a roll call vote on the Lindsay et al. specific amendment.

Voting in the affirmative, 37:

Abboud	Bohlke	Bromm	Coordsen	Cudaback
Avery	Brashear	Brown	Crosby	Dierks

Elmer	Hudkins	Landis	Pirsch	Wehrbein
Engel	Janssen	Lindsay	Schrock	Wesely
Fisher	Jensen	Matzke	Stuhr	Wickersham
Hartnett	Jones	McKenzie	Vrtiska	Will
Hilgert	Klein	Pedersen	Warner	Witek
Hillman	Kristensen			

Voting in the negative, 7:

Bernard-Stevens	Beutler	Lynch	Schimek	Withem
	Chambers	Robinson		

Present and not voting, 4:

Maurstad	Preister	Robak	Schmitt

Excused and not voting, 1:

Schellpeper

The Lindsay et al. specific amendment was adopted with 37 ayes, 7 nays, 4 present and not voting, and 1 excused and not voting.

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

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

Avery	Cudaback	Janssen	Matzke	Stuhr
Beutler	Dierks	Jensen	Maurstad	Warner
Bohlke	Elmer	Jones	McKenzie	Wehrbein
Brashear	Engel	Klein	Pedersen	Wesely
Bromm	Hilgert	Kristensen	Preister	Wickersham
Brown	Hillman	Landis	Robak	Witek
Coordsen	Hudkins	Lindsay	Schmitt	Withem
Crosby				

Voting in the negative, 6:

Bernard-Stevens	Chambers	Pirsch	Robinson	Vrtiska
	Fisher			

Present and not voting, 5:

Abboud	Lynch	Schimek	Schrock	Will

Excused and not voting, 2:

Hartnett Schellpeper

Advanced to E & R for reengrossment with 36 ayes, 6 nays, 5 present and not voting, and 2 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 33, 750, and 1263.

Enrollment and Review Change to LB 750

The following changes, required to be reported for publication in the Journal, have been made:
ER9188

1. In lieu of the Landis amendment, FA632, in the Landis amendment, AM4434:

a. Sections 2, 14, 16, 18, and 19 have been struck and the following new section inserted:

"Sec. 14. This act becomes operative on March 1, 1997."; and

b. The remaining sections have been renumbered accordingly.

2. On page 1, the matter beginning with "radioactive" in line 1 through line 2 has been struck and "liquor; to amend sections 53-117.07, 53-123, 53-123.01, 53-131, 53-169, 53-171, and 53-188, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-123.14, 53-124, 53-124.11, 53-124.12, and 53-164.01, Revised Statutes Supplement, 1994; to provide for craft brewery licenses; to eliminate brewpub licenses; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

(Signed) David I. Maurstad, Chairperson

AMENDMENT - Print in Journal

Mr. Vrtiska and Mrs. Hudkins filed the following amendment to LB 969:
AM4424

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 9. Section 44-6408, Revised Statutes Supplement, 1994, is amended to read:

44-6408. (1) ~~No~~ Unless the named insured has in writing rejected uninsured or underinsured motorist coverage required by this section, no policy insuring against liability imposed by law for bodily injury, sickness, disease, or death suffered by a natural person arising out of the ownership, operation,

maintenance, or use of a motor vehicle within the United States, its territories or possessions, or Canada shall be delivered, issued for delivery, or renewed with respect to any motor vehicle principally garaged in this state unless coverage is provided for the protection of persons insured who are legally entitled to recover compensatory damages for bodily injury, sickness, disease, or death from (a) the owner or operator of an uninsured motor vehicle or a hit-and-run motor vehicle in limits of twenty-five thousand dollars because of bodily injury, sickness, disease, or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury, sickness, disease, or death of two or more persons in any one accident, and (b) the owner or operator of an underinsured motor vehicle in limits of twenty-five thousand dollars because of bodily injury, sickness, disease, or death of one person in any one accident and, subject to such limit for one person, fifty thousand dollars because of bodily injury, sickness, disease, or death of two or more persons in any one accident.

(2) At the written request of the named insured, the insurer shall provide higher limits of uninsured and underinsured motorist coverages in accordance with its rating plan and rules, except that in no event shall the insurer be required to provide limits higher than one hundred thousand dollars per person and three hundred thousand dollars per accident.

(3) After purchase of uninsured and underinsured motorist coverages or rejection of either such coverage, no insurer or any affiliated insurer shall be required to notify any policyholder in any renewal, reinstatement, substitute, amended, altered, modified, transfer, or replacement policy as to the availability of optional limits of such coverages. The named insured may, subject to the limitations of this section, make a written request for additional coverage or coverage more extensive than that provided in a prior policy.

Sec. 10. Section 44-6413, Revised Statutes Supplement, 1994, is amended to read:

44-6413. (1) The uninsured and underinsured motorist coverages provided in the Uninsured and Underinsured Motorist Insurance Coverage Act shall not apply to:

(a) Bodily injury, sickness, disease, or death of the insured with respect to which the insured or his or her representative makes, without the written consent of the insurer, any settlement with or obtains any judgment against any person who may be legally liable for any injuries if such settlement adversely affects the rights of the insurer, except that this subdivision shall not apply to underinsured motorist coverage when the insured has given notice to the insurer, in compliance with subsection (2) of section 44-6412, and the insurer has failed to make the required payment to protect its right of subrogation;

(b) Bodily injury, sickness, disease, or death of an

insured while occupying a motor vehicle owned by, but not insured by, the named insured or a spouse or relative residing with the named insured;

(c) Bodily injury, sickness, disease, or death of an insured while occupying an owned motor vehicle which is used as a public or livery conveyance and which is not insured as such;

(d) Bodily injury, sickness, disease, or death of an insured through being struck by a vehicle owned by the named insured or a spouse or relative residing with the named insured; and

(e) Bodily injury, sickness, disease, or death of the insured with respect to which the applicable statute of limitations has expired on the insured's claim against the uninsured or underinsured motorist.

(2) Insurers providing motor vehicle liability insurance coverage on an excess or umbrella basis or incidental to some other basic coverage shall not be required to offer, provide, or make available coverage conforming to the Uninsured and Underinsured Motorist Insurance Coverage Act.

(3) ~~An~~ Unless the named insured has in writing rejected underinsured motorist coverage, an insurer may make underinsured motorist coverage a part of uninsured motorist coverage.

(4) Nothing in the Uninsured and Underinsured Motorist Insurance Coverage Act shall be construed to prevent an insurer from offering, making available, or providing coverage under terms and conditions more favorable to its insured or in limits higher than are required by the act.

(5) The Director of Insurance shall adopt and promulgate rules and regulations as are necessary to provide that the language relating to coverages described in the Uninsured and Underinsured Motorist Insurance Coverage Act is not unfair, inequitable, misleading, or deceptive and does not encourage misrepresentation of the coverage.".

2. On page 1, line 3, after the last comma insert "sections 44-6408 and 44-6413, Revised Statutes Supplement, 1994,"; and in line 7 after the last semicolon insert "to change provisions relating to uninsured and underinsured motorist coverage;".

MOTION - Print in Journal

Mr. Warner filed the following motion to LB 693:
Suspend Rule 7, 3(d) to amend LB 693 to adopt AM4439.

AMENDMENTS - Print in Journal

Messrs. Warner, Wickersham, Hartnett, Kristensen, Coordsen, and Mrs. Hillman filed the following amendment to LB 693:
AM4439

(Amendments to Final Reading copy)

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Property tax levy limits, constitutional and statutory authorizations for mergers and restructuring of governments, revised local aid programs, and alternative local option revenue sources proposed by the Ninety-fourth Legislature, Second Session, 1996, may require local political subdivisions to examine how they deliver and finance necessary public services.

Innovations in delivery of services, changes in structures of local governments, and consolidations of services require careful deliberation, citizen involvement, and coordinated action. Efforts to deliver public services in the most effective way should be encouraged and fostered by state government. A structure for encouraging a state and local cooperative approach to change is necessary. The need for this approach will be most critical to restructuring efforts over the next four years as Nebraska prepares for delivering public services in the next century.

The Legislature recognizes this need for encouraging innovations in service delivery and government restructuring by creating the Nebraska Commission on Local Government Innovation and Restructuring.

Sec. 2. The Nebraska Commission on Local Government Innovation and Restructuring shall consist of eighteen members appointed by the Governor. The members shall include:

(1) The Property Tax Administrator or his or her designee;

(2) The Director of Administrative Services or his or her designee;

(3) The Director of Economic Development or his or her designee;

(4) Three persons representing school districts;

(5) Three persons representing municipalities;

(6) Three persons representing county government;

(7) Three persons with expertise and experience in public sector finance, analysis, or management; and

(8) Three persons with private sector finance or management experience.

Sec. 3. The Nebraska Commission on Local Government Innovation and Restructuring shall meet and elect a chairperson from among its members. The commission shall have the authority to hire such temporary staff as it deems necessary to carry out its duties. The commission shall conduct public meetings and maintain public records and an office. All meetings of the commission shall be conducted according to sections 84-1408 to 84-1414. Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 4. The Nebraska Commission on Local Government Innovation and Restructuring shall have the following powers and duties:

(1) To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds shall be available for planning and evaluating such projects. Funds shall be provided on a matching fund basis;

(2) To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;

(3) To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;

(4) To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;

(5) To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; and

(6) To accept and receive funds or donations from public and private funding sources.

Sec. 5. The Nebraska Local Government Innovation and Restructuring Fund is hereby created. The fund shall be used to carry out the purposes of sections 1 to 6 of this act. The fund shall be administered by the Department of Administrative Services and shall receive funds pursuant to section 77-912. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. The Nebraska Commission on Local Government Innovation and Restructuring shall develop guidelines for a matching grant program to fund local government program and service restructuring innovations in which taxpayer savings or service quality improvements can be identified and quantified to the satisfaction of the commission.

Sec. 7. Sections 1 to 6 of this act terminate on July 1, 2000.

Sec. 8. Section 77-912, Revised Statutes Supplement, 1994, is amended to read:

77-912. The Director of Insurance shall transmit one-half of the taxes paid in conformity with Chapter 44, article 1, and Chapter 77, article 9, to the State Treasurer and one-half of such taxes paid to the General Fund promptly upon completion of his or her audit and examination and in no event later than May 1 of each year, except that:

(1) All fire insurance taxes paid pursuant to sections 44-150 and 81-523 shall be remitted to the State Treasurer for

credit to the Fire Insurance Tax Fund;

(2) All workers' compensation insurance taxes paid pursuant to section 44-150 shall be remitted to the State Treasurer for credit to the Compensation Court Cash Fund; and

(3) On August 1, 1996, and each August 1 thereafter through August 1, 1999, the State Treasurer shall transfer one hundred thousand dollars to the Nebraska Local Government Innovation and Restructuring Fund.

Sec. 9. There is hereby appropriated (1) $100,000 from the Nebraska Local Government Innovation and Restructuring Fund for FY1996-97 and (2) $100,000 from the Nebraska Local Government Innovation and Restructuring Fund for FY1997-98 to the Department of Administrative Services, Program 049, 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 $30,000 for FY1996-97 or $30,000 for FY1997-98.

Sec. 10. Original section 77-912, Revised Statutes Supplement, 1994, is repealed.".

2. On page 1, strike beginning with "hospital" in line 1 through line 4 and insert "the Nebraska Commission on Local Government Innovation and Restructuring; to amend section 77-912, Revised Statutes Supplement, 1994; to create a commission; to provide powers and duties; to create a fund; to provide for appropriations and transfer funds; to harmonize provisions; to provide a termination date; and to repeal the original section.".

Mr. Warner filed the following amendment to LB 693:
AM4433

(Amendments to Final Reading copy)

1. Strike original sections and insert the following new sections:

"Section 1. Section 54, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 54. On or before September 10 each year, the county clerk shall set a preliminary property tax rate for each political subdivision, except a Class I school district which is part of a Class VI school system, which levied property taxes in the county the previous year. The rate shall be calculated by dividing the amount requested for property taxes in the budget of the previous year by the final valuation in the political subdivision for the current year. For any subdivision levying taxes in more than one county, the county clerks of all the affected counties shall agree on the preliminary levy. The preliminary levy shall be published for each political subdivision in a newspaper of general circulation in the county on or before September 15. The preliminary levy shall be considered as the final levy as set by the county board of equalization in section 77-1601 unless changed

by the political subdivision pursuant to section 55 of this act prior to October 15.

Sec. 2. Section 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 55. The preliminary levy set in section 54 of this act shall be the final levy unless the governing body of a political subdivision, except a Class I school district which is part of a Class VI school system, passes by a majority vote a resolution or ordinance setting the levy at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing.

Sec. 3. Original sections 54 and 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, are repealed.".

2. On page 1, strike beginning with "hospital" in line 1 through line 4 and insert "revenue and taxation; to amend sections 54 and 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to preliminary levies; and to repeal the original sections.".

Mr. Warner filed the following amendment to LB 693:
AM4447

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 54, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 54. On or before September 10 each year, the county clerk shall set a preliminary property tax rate for each political subdivision, except a Class I school district which is part of a Class VI school system, which levied property taxes in the county the previous year. The rate shall be calculated by dividing the amount requested for property taxes in the budget of the previous year by the final valuation in the political subdivision for the current year. For any subdivision levying taxes in more than one county, the county clerks of all the affected counties shall agree on the preliminary levy. The preliminary levy shall be published for each political subdivision in a newspaper of general circulation in the county on or before September 15. The preliminary levy shall be considered as the final levy as set by the county board of equalization in section 77-1601 unless changed by the political subdivision pursuant to section 55 of this act prior to October 15.

Sec. 2. Section 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 55. The preliminary levy set in section 54 of this act shall be the final levy unless the governing body of a

political subdivision, except a Class I school district which is part of a Class VI school system, passes by a majority vote a resolution or ordinance setting the levy at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing.

Sec. 3. Original sections 54 and 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, are repealed.".

2. On page 1, strike beginning with "hospital" in line 1 through line 4 and insert "revenue and taxation; to amend sections 54 and 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to preliminary levies; and to repeal the original sections.".

Messrs. Wesely and Kristensen filed the following amendment to LB 1076:
AM4444

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 47. Section 45 of this act becomes operative on June 1, 1997. The other sections of this act become operative on their effective date.".

2. On page 2, line 9, after the first semicolon insert "to provide an operative date;".

3. On page 38, line 17; page 40, line 19; and page 41, line 18; and page 63, line 3, strike "effective" and insert "operative".

4. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LR 462:
FA637

strike the word "Science" in the first paragraph following the "Be it resolved" clause.

MOTION - Print in Journal

Mr. Landis filed the following motion to LB 750:
Suspend rules, Rule 6, Sections 6 and 8 and Rule 7, Sections 3 and 7 and vote on LB 750 on Final Reading without further amendments or motions.

ANNOUNCEMENT

Mr. Wickersham announced the Nebraska Retirement Systems Committee will hold a committee meeting, followed by an executive session, on Wednesday, April 10, 1996 at 1:00 p.m. in room 1510.

MOTION - Return LB 106 to Select File

Mr. Withem moved to return LB 106 to Select File for his specific amendment, FA182, found in the Journal on page 1929, First Session, 1995.

Mr. Withem withdrew his motion to return.

Mr. Lynch moved to return LB 106 to Select File for his specific amendment, AM2904, found in the Journal on page 670.

Mr. Lynch withdrew his motion to return.

Mr. Dierks moved to return LB 106 to Select File for the following specific amendment:
FA638
Strike the enacting clause.

Mr. Dierks withdrew his motion to return.

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

Mr. Bernard-Stevens moved to return LB 106 to Select File for the following specific amendment:
FA639
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 106.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.07, Revised Statutes Supplement, 1994, and sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 1995; 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.

Whereupon the 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	Dierks	Jensen	McKenzie	Schrock
Bohlke	Elmer	Jones	Pedersen	Stuhr
Brashear	Engel	Klein	Pirsch	Vrtiska
Bromm	Fisher	Kristensen	Robak	Wehrbein
Coordsen	Hilgert	Matzke	Robinson	Wickersham
Crosby	Hudkins	Maurstad	Schmitt	Witek
Cudaback				

Voting in the negative, 13:

Avery	Beutler	Janssen	Preister	Wesely
Bernard-Stevens	Chambers	Landis	Schimek	Withem
	Hillman	Lindsay	Warner	

Present and not voting, 1:

Brown

Excused and not voting, 4:

Hartnett	Lynch	Schellpeper	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 464.

A BILL FOR AN ACT relating to motorboats; to amend sections 37-1215, 37-1217 to 37-1219, 37-1223, and 37-1227, Reissue Revised Statutes of Nebraska, sections 37-1216, 37-1226, 37-1275 to 37-1280, 37-1282 to 37-1286, 37-1288, 37-1289, and 37-1291, Revised Statutes Supplement, 1994, and sections 23-186, 37-1214, and 37-1287, Revised Statutes Supplement, 1995; to change provisions relating to motorboat registration, certificates of title, and fees; 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, 44:

Abboud	Brashear	Cudaback	Hillman	Kristensen
Avery	Bromm	Dierks	Hudkins	Landis
Bernard-Stevens	Brown	Elmer	Janssen	Lindsay
	Chambers	Engel	Jensen	Matzke
Beutler	Coordsen	Fisher	Jones	Maurstad
Bohlke	Crosby	Hilgert	Klein	McKenzie

Pedersen	Robak	Schrock	Warner	Wickersham
Pirsch	Robinson	Stuhr	Wehrbein	Will
Preister	Schimek	Vrtiska	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 2:

Schmitt Witek

Excused and not voting, 3:

Hartnett Lynch Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 964 to Select File

Mr. Bernard-Stevens moved to return LB 964 to Select File for his specific amendment, FA573, found in the Journal on page 1468.

Mr. Bernard-Stevens withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 964.

A BILL FOR AN ACT relating to elections; to amend sections 32-559 and 32-808, Revised Statutes Supplement, 1994, and sections 32-101 and 32-202, Revised Statutes Supplement, 1995; to provide for special elections in political subdivisions to be conducted by mail; to provide powers and duties for election commissioners, county clerks, and the Secretary of State; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

Avery	Crosby	Hilgert	Klein	Robinson
Beutler	Cudaback	Hillman	Landis	Schimek
Bromm	Dierks	Hudkins	Lynch	Schmitt
Chambers	Elmer	Janssen	Pedersen	Schrock
Coordsen	Fisher	Jones	Preister	Stuhr

Vrtiska	Wesely	Wickersham	Will	Withem

Voting in the negative, 14:

Abboud	Bohlke	Jensen	McKenzie	Warner
Bernard-Stevens	Brashear	Kristensen	Pirsch	Wehrbein
	Brown	Maurstad	Robak	Witek

Present and not voting, 3:

Engel	Lindsay	Matzke

Excused and not voting, 2:

Hartnett	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 969 to Select File

Mr. Vrtiska moved to return LB 969 to Select File for the Vrtiska-Hudkins specific amendment, AM4424, found in this day's Journal.

The Vrtiska motion to return lost with 8 ayes, 30 nays, 9 present and not voting, and 2 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 969. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-402, 44-32,180, 44-3602, 44-3603, 44-3604, 44-3607, 44-4040, and 44-4726, Reissue Revised Statutes of Nebraska, and section 44-6606, Revised Statutes Supplement, 1995; to change reserve provisions; to change provisions relating to medicare supplement policies; to change tax calculations; to change policy requirements; to change enforcement provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud	Avery

Bernard-Stevens	Cudaback	Jensen	McKenzie	Stuhr
Beutler	Dierks	Jones	Pedersen	Vrtiska
Bohlke	Elmer	Klein	Pirsch	Warner
Brashear	Engel	Kristensen	Preister	Wehrbein
Bromm	Fisher	Landis	Robak	Wesely
Brown	Hilgert	Lindsay	Robinson	Wickersham
Chambers	Hillman	Lynch	Schimek	Will
Coordsen	Hudkins	Matzke	Schmitt	Witek
Crosby	Janssen	Maurstad	Schrock	Withem

Voting in the negative, 0.

Excused and not voting, 2:

Hartnett 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.

LEGISLATIVE BILL 1120.

A BILL FOR AN ACT relating to the Tax Commissioner; to amend section 77-363, Reissue Revised Statutes of Nebraska; to change provisions relating to the salary of the Tax Commissioner; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 32:

Abboud	Chambers	Hilgert	Matzke	Schrock
Bernard-Stevens	Crosby	Hillman	Maurstad	Stuhr
Bohlke	Cudaback	Hudkins	McKenzie	Vrtiska
Brashear	Dierks	Janssen	Preister	Wehrbein
Bromm	Elmer	Jensen	Robak	Wickersham
Brown	Engel	Jones	Robinson	Will
	Fisher	Klein		

Voting in the negative, 15:

Avery	Kristensen	Lynch	Schimek	Wesely
Beutler	Landis	Pedersen	Schmitt	Witek
Coordsen	Lindsay	Pirsch	Warner	Withem

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1191. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1513, Revised Statutes Supplement, 1995; to provide for transfers from the Department of Motor Vehicles Cash Fund; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud	Cudaback	Jones	McKenzie	Vrtiska
Avery	Dierks	Klein	Pedersen	Warner
Beutler	Elmer	Kristensen	Pirsch	Wehrbein
Bohlke	Fisher	Landis	Preister	Wesely
Brashear	Hilgert	Lindsay	Robak	Wickersham
Bromm	Hudkins	Lynch	Schmitt	Will
Brown	Janssen	Matzke	Schrock	Witek
Coordsen	Jensen	Maurstad	Stuhr	Withem

Voting in the negative, 3:

Bernard-Stevens	Crosby	Hillman

Present and not voting, 4:

Chambers	Engel	Robinson	Schimek

Excused and not voting, 2:

Hartnett 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.

LEGISLATIVE BILL 1265. With Emergency.

A BILL FOR AN ACT relating to state buildings and land; to amend sections 81-1102 and 81-1107, Revised Statutes Supplement, 1995; to

change provisions relating to financing agreements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Crosby	Janssen	Maurstad	Stuhr
Avery	Cudaback	Jensen	McKenzie	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Klein	Pirsch	Wehrbein
Brashear	Engel	Kristensen	Robak	Wesely
Bromm	Fisher	Landis	Robinson	Wickersham
Brown	Hilgert	Lindsay	Schimek	Will
Coordsen	Hillman	Lynch	Schmitt	Witek
	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Bohlke Chambers Preister

Excused and not voting, 2:

Hartnett 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.

WITHDRAW - Amendment to LB 496

Mr. Maurstad withdrew his amendment, FA584, found in the Journal on page 1528, to LB 496.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 496.

A BILL FOR AN ACT relating to public health and welfare; to amend section 81-664, Reissue Revised Statutes of Nebraska; to adopt the Parkinson's Disease Registry Act; to provide a termination date; 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	Coordsen	Hudkins	McKenzie	Stuhr
Avery	Crosby	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Jensen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Klein	Robak	Wesely
Bromm	Engel	Landis	Robinson	Wickersham
Brown	Fisher	Lindsay	Schimek	Will
Chambers	Hilgert	Lynch	Schmitt	Witek
	Hillman	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Brashear	Kristensen	Maurstad

Excused and not voting, 2:

Hartnett	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 496A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 496, Ninety-fourth Legislature, Second Session, 1996; and to provide for contingent transfers.

Whereupon the 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	Bromm	Engel	Jones	Pedersen
Avery	Chambers	Fisher	Klein	Pirsch
Bernard-Stevens	Coordsen	Hilgert	Kristensen	Preister
Beutler	Crosby	Hillman	Landis	Robak
Bohlke	Cudaback	Hudkins	Lynch	Robinson
Brashear	Dierks	Janssen	Matzke	Schimek
	Elmer	Jensen	McKenzie	Schmitt

Schrock	Vrtiska	Wehrbein	Wickersham	Withem
Stuhr	Warner	Wesely	Will	

Voting in the negative, 0.

Present and not voting, 4:

Brown	Lindsay	Maurstad	Witek

Excused and not voting, 2:

Hartnett	Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 754

Mr. Bernard-Stevens withdrew his amendment, FA617, found in the Journal on page 1867, to LB 754.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 754.

A BILL FOR AN ACT relating to criminal history record information; to amend section 79-1247.06, Reissue Revised Statutes of Nebraska; to require fingerprints from applicants for certain teaching and administrative certificates and permits; to provide for criminal history record information checks; to change provisions for issuance of such certificates and permits; 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, 42:

Abboud	Cudaback	Janssen	Matzke	Schmitt
Avery	Dierks	Jensen	McKenzie	Schrock
Beutler	Elmer	Jones	Pedersen	Stuhr
Bohlke	Engel	Klein	Pirsch	Vrtiska
Bromm	Fisher	Kristensen	Preister	Warner
Brown	Hilgert	Landis	Robak	Wehrbein
Coordsen	Hillman	Lindsay	Robinson	Wesely
Crosby	Hudkins	Lynch	Schimek	Wickersham

Witek Withem

Voting in the negative, 3:

Bernard-Stevens Chambers Will

Present and not voting, 2:

Brashear Maurstad

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 754A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 754, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud	Dierks	Jones	Pedersen	Vrtiska
Avery	Elmer	Klein	Pirsch	Warner
Beutler	Engel	Kristensen	Preister	Wehrbein
Bohlke	Fisher	Landis	Robak	Wesely
Brashear	Hilgert	Lindsay	Robinson	Wickersham
Bromm	Hillman	Lynch	Schimek	Will
Brown	Hudkins	Matzke	Schmitt	Witek
Coordsen	Janssen	Maurstad	Schrock	Withem
Crosby	Jensen	McKenzie	Stuhr	

Voting in the negative, 2:

Bernard-Stevens Chambers

Present and not voting, 1:

Cudaback

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1273.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2322, 24-701, 24-707, 24-710, 24-710.02, 79-1501, 79-1522.01, 79-1528, 79-1552, 81-2026, 84-1301, 84-1319, 84-1321, 84-1323, and 84-1324, Reissue Revised Statutes of Nebraska, sections 23-2317, 23-2319, and 23-2321, Revised Statutes Supplement, 1994, and sections 23-2301, 81-2014, and 81-2032, Revised Statutes Supplement, 1995; to adopt the Spousal Pension Rights 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	Hillman	Matzke	Schrock
Avery	Coordsen	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Crosby	Janssen	McKenzie	Vrtiska
Beutler	Cudaback	Jensen	Pedersen	Warner
Bohlke	Dierks	Jones	Pirsch	Wehrbein
Brashear	Elmer	Klein	Robak	Wesely
Bromm	Engel	Kristensen	Robinson	Wickersham
Brown	Fisher	Landis	Schimek	Will
	Hilgert	Lindsay	Schmitt	Witek

Voting in the negative, 0.

Present and not voting, 3:

Lynch Preister Withem

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1273A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1273, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Hudkins	Maurstad	Stuhr
Avery	Crosby	Janssen	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Jensen	Pedersen	Warner
Beutler	Dierks	Jones	Pirsch	Wehrbein
Bohlke	Elmer	Klein	Robak	Wesely
Brashear	Engel	Kristensen	Robinson	Wickersham
Bromm	Fisher	Landis	Schimek	Will
Brown	Hilgert	Lindsay	Schmitt	Witek
Chambers	Hillman	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch Preister

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1205.

A BILL FOR AN ACT relating to educational lands; to amend sections 72-240.26, 72-258, and 72-259, Reissue Revised Statutes of Nebraska; to require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands; to provide a restriction on such sales; to require the state investment officer to prepare a plan for investment of the sale proceeds; to change provisions relating to a report, the procedure for sales of educational lands, and the disposition of proceeds; to define a term; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Abboud	Brown	Jensen	McKenzie	Stuhr
Avery	Coordsen	Jones	Pedersen	Vrtiska
Bernard-Stevens	Elmer	Klein	Pirsch	Wehrbein
Beutler	Engel	Kristensen	Robak	Wickersham
Bohlke	Hilgert	Landis	Robinson	Will
Brashear	Hillman	Matzke	Schmitt	Witek
Bromm	Hudkins	Maurstad	Schrock	Withem
	Janssen			

Voting in the negative, 9:

Chambers	Cudaback	Fisher	Schimek	Wesely
Crosby	Dierks	Lindsay	Warner	

Present and not voting, 2:

Lynch Preister

Excused and not voting, 2:

Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 1391. 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, 44:

Abboud	Bohlke	Crosby	Fisher	Jensen
Avery	Brashear	Cudaback	Hilgert	Jones
Bernard-Stevens	Bromm	Dierks	Hillman	Klein
Beutler	Brown	Elmer	Hudkins	Kristensen
	Coordsen	Engel	Janssen	Landis

Lindsay	Pedersen	Schimek	Vrtiska	Wickersham
Matzke	Pirsch	Schmitt	Warner	Will
Maurstad	Robak	Schrock	Wehrbein	Witek
McKenzie	Robinson	Stuhr	Wesely	Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch Preister

Excused and not voting, 3:

Chambers Hartnett 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.

LEGISLATIVE BILL 323.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,131, 60-4,146.01, 60-4,156, 60-4,164, 60-4,165, and 60-4,167 to 60-4,169, Reissue Revised Statutes of Nebraska, and section 60-462, Revised Statutes Supplement, 1995; to extend the applicability of sections to the Republic of Mexico; to provide for disqualification for violation of an out-of-service order; to eliminate urine testing under commercial driver's license implied consent provisions; to change hearing requirements; to provide for the automatic disqualification of a commercial driver's license; to redefine a term; to provide for an appeal; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud	Crosby	Janssen	Maurstad	Stuhr
Avery	Cudaback	Jensen	McKenzie	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Klein	Pirsch	Wehrbein
Bohlke	Engel	Kristensen	Robak	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hilgert	Lindsay	Schimek	Will
Brown	Hillman	Lynch	Schmitt	Witek
Coordsen	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Chambers Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 323A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 323, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Janssen	Maurstad	Stuhr
Avery	Cudaback	Jensen	McKenzie	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Warner
	Elmer	Klein	Pirsch	Wehrbein
Beutler	Engel	Kristensen	Robak	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hilgert	Lindsay	Schimek	Will
Brown	Hillman	Lynch	Schmitt	Witek
Coordsen	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 2:

Bohlke Preister

Excused and not voting, 3:

Chambers Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 345.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-110, Reissue Revised Statutes of Nebraska; to change in lieu of tax payments; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud	Crosby	Janssen	Maurstad	Stuhr
Avery	Cudaback	Jensen	McKenzie	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Klein	Pirsch	Wehrbein
Bohlke	Engel	Kristensen	Robak	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hilgert	Lindsay	Schimek	Will
Brown	Hillman	Lynch	Schmitt	Witek
Coordsen	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Chambers Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 345A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 345, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Janssen	Maurstad	Stuhr
Avery	Cudaback	Jensen	McKenzie	Vrtiska
Bernard-Stevens	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Klein	Pirsch	Wehrbein
Bohlke	Engel	Kristensen	Robak	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hilgert	Lindsay	Schimek	Will
Brown	Hillman	Lynch	Schmitt	Witek
Coordsen	Hudkins	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Chambers Hartnett Schellpeper

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 463. With Emergency.

A BILL FOR AN ACT relating to the Light-Density Rail Line Assistance Act; to amend sections 74-1401 to 74-1402.01, 74-1405 to 74-1406, 74-1407.01, 74-1410, 74-1410.01, 74-1412.01 to 74-1415.01, 74-1415.04, 74-1415.05, 74-1419.02, 74-1420 to 74-1420.03, 74-1427, and 74-1429, Revised Statutes Supplement, 1994; to change provisions relating to revitalization projects; to define and redefine terms; to change, eliminate, and provide powers and duties of the Nebraska Railway Council and the Department of Roads; to eliminate the division of railroads; to change provisions relating to grants, loans, and funding; to harmonize provisions; to repeal the original sections; to outright repeal sections 74-1415.02, 74-1419.01, and 74-1419.03, Revised Statutes Supplement, 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:

Abboud	Beutler	Brown	Dierks	Hilgert
Avery	Bohlke	Coordsen	Elmer	Hillman
Bernard-Stevens	Brashear	Crosby	Engel	Hudkins
	Bromm	Cudaback	Fisher	Janssen

Jensen	Lynch	Pirsch	Schrock	Wesely
Jones	Matzke	Robak	Stuhr	Wickersham
Klein	Maurstad	Robinson	Vrtiska	Will
Kristensen	McKenzie	Schimek	Warner	Witek
Landis	Pedersen	Schmitt	Wehrbein	Withem
Lindsay				

Voting in the negative, 0.

Present and not voting, 1:

Preister

Excused and not voting, 3:

Chambers Hartnett 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.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 901, 1039, 1053, 1121, and 1296.

Correctly Engrossed

The following bills were correctly engrossed: 1039A, 1190, 1190A, and 1290.

Enrollment and Review Change to LB 1039
Final Reading copy

The following changes, required to be reported for publication in the Journal, have been made:
ER9147

1. In the Warner amendment, AM4223, section 2 has been renumbered as section 4.

2. In the Warner amendment, AM3885, on page 5, line 26, "the second" has been inserted after "strike"; and in line 27 a comma has been inserted before "77-3512".

3. In the Warner amendment, AM4230, on page 4, lines 2 and 8, "77-1347" has been struck and "77-1348" inserted.

Enrollment and Review Change to LB 1053
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9191

1. In the Beutler amendment, AM4196, section 3 has been renumbered as section 4.

2. On page 34, line 13, "Section" has been struck and "Original section" inserted.

Enrollment and Review Change to LB 1190

The following changes, required to be reported for publication in the Journal, have been made:
ER9190

1. In the Lynch amendment, AM4182:

a. Section 14 has been renumbered as section 16; and

b. On page 2, line 21, "new" has been struck and "underscored" inserted; and in line 27 "and all amendments thereto" has been inserted before the second "and" and "14, and 17" has been struck and ", 16, and 19" inserted.

2. In the Standing Committee amendments, AM3412, on page 12, line 23, the period has been struck and an underscored semicolon inserted.

3. On page 1, line 2, ", and section 81-179, Revised Statutes Supplement, 1995" has been inserted after "1994"; and in line 8 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 1290

The following changes, required to be reported for publication in the Journal, have been made:
ER9189

1. In the Withem amendment, AM4379, on page 4, line 13, "section" has been struck and "sections 77-4112 and" inserted; and in line 14 "77-4602" has been struck and "77-4104, 77-4602," inserted.

2. On page 1, line 1, "77-4112 and 84-612, Reissue Revised Statutes of Nebraska, and sections 77-4104," has been inserted after "sections"; in line 2 after "77-4602" a comma has been inserted; in line 4 "and" has been struck and "to provide duties for the Department of Revenue; to change provisions of the Employment and Investment Growth Act and to provide for applicability of the provisions;" inserted and "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 1296
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9192

1. In the Lindsay et al. amendment, AM4413, on page 2, line 3, ", on," has been inserted before "or"; in lines 3 and 4 "effective date of this act" has been struck and "operative date of this section" inserted; and in line 17 a comma has been inserted after "3".

2. On page 29, line 24, "is" has been struck and "are" inserted.

(Signed) David I. Maurstad, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 106, 464, 964, 969, 1120, 1191, 1265, 496, 496A, 754, 754A, 1273, 1273A, 1205, 1391, 323, 323A, 345, 345A, and 463.

VISITORS

Visitors to the Chamber were Pastor Norman Nelson from Pender; Senator Engel's wife, Dee, and grandchildren, Shelly and Patrick McLaughlin from Lincoln; Jeff Martin from Hooper; 13 fourth grade students and teacher from Grand Island Christian; and Rod Johnson from Norfolk.

The Doctor of the Day was William Lyons from Kearney.

ADJOURNMENT

At 9:59 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, April 10, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 10, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor George Cook, Fellowship Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Avery, Bernard-Stevens, Bromm, Chambers, Cudaback, Hilgert, Landis, Lindsay, Wesely, Will, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1959, line 3, before "specific" insert "reoffered".
The Journal for the fifty-seventh day was approved as corrected.

MOTION - Print in Journal

Mr. Lindsay filed the following motion to LB 750:
Suspend Rule (7)(3) to permit consideration of AM4396.

AMENDMENT - Print in Journal

Mr. Lindsay filed the following amendment to LB 750:
AM4396

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 42-117, Reissue Revised Statutes of Nebraska, is amended to read:

42-117. All marriages contracted without this state, which would be valid by the laws of the state or country in which the same were contracted, shall be valid in all courts and places in this state unless they violate the public policy of this state. Marriages that violate the public policy of this state include, but are not limited to, same-sex marriages and marriages entered into under the laws of another state or country with the intent to evade the prohibitions of the marriage laws of this state.

Sec. 2. Original section 42-117, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

MOTION - Return LB 681 to Select File

Mr. Kristensen moved to return LB 681 to Select File for the Lindsay specific amendment, FA606, found in the Journal on page 1801.

Mr. Kristensen withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 681. With Emergency.

A BILL FOR AN ACT relating to business entities; to amend sections 21-1101, 21-17,132, 44-4002, 67-301, 67-303 to 67-306, 67-311, 67-315, 67-318, 67-325, 67-328, 67-334, 67-336, and 67-340, Reissue Revised Statutes of Nebraska, sections 21-2602, 21-2619, 21-2621, 21-2622, 21-2628, 21-2631 to 21-2631.03, 21-2649, and 67-302, Revised Statutes Supplement, 1994, and sections 8-1401, 21-2048, 23-3504, 33-101, 44-3312, and 44-3812, Revised Statutes Supplement, 1995; to adopt a new and repeal the old Nebraska Nonprofit Corporation Act; to change certain shareholders' preemptive rights; to change limited liability company provisions; to provide for limited liability partnerships; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 21-1901 to 21-1903, 21-1905 to 21-1989, 21-1991, 21-1996 to 21-19,106, and 21-19,109, Reissue Revised Statutes of Nebraska, section 21-1904, Revised Statutes Supplement, 1994, and sections 21-19,107 and 21-19,108, Revised Statutes Supplement, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Avery	Elmer	Jones	Preister	Vrtiska
Beutler	Engel	Klein	Robak	Warner
Brashear	Fisher	Kristensen	Robinson	Wehrbein
Bromm	Hartnett	Lindsay	Schellpeper	Wesely
Brown	Hillman	Matzke	Schimek	Wickersham
Coordsen	Hudkins	Maurstad	Schmitt	Will
Crosby	Janssen	Pedersen	Schrock	Witek
Dierks	Jensen	Pirsch	Stuhr	Withem

Voting in the negative, 1:

Landis

Present and not voting, 1:

Lynch

Excused and not voting, 7:

Abboud	Bernard-Stevens	Bohlke	Cudaback	McKenzie
		Chambers	Hilgert	

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 931. With Emergency.

A BILL FOR AN ACT relating to industrial development; to amend section 21-2308, Revised Statutes Supplement, 1995; to change provisions relating to the Nebraska Industrial Development Corporation Act; 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	Engel	Klein	Preister	Vrtiska
Avery	Fisher	Kristensen	Robak	Warner
Beutler	Hartnett	Landis	Robinson	Wehrbein
Brashear	Hillman	Lindsay	Schellpeper	Wesely
Bromm	Hudkins	Matzke	Schimek	Wickersham
Brown	Janssen	Maurstad	Schmitt	Will
Coordsen	Jensen	Pedersen	Schrock	Witek
Crosby	Jones	Pirsch	Stuhr	Withem
Elmer				

Voting in the negative, 0.

Present and not voting, 2:

Dierks Lynch

Excused and not voting, 6:

Bernard-Stevens	Bohlke	Cudaback	Hilgert	McKenzie
	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.

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

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 1069.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-812 and 9-834, Revised Statutes Supplement, 1995; to change provisions relating to transfers of funds and disclosures by vendors; and to repeal the original sections.

Whereupon the 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	Elmer	Klein	Preister	Vrtiska
Avery	Engel	Kristensen	Robak	Warner
Beutler	Fisher	Landis	Robinson	Wehrbein
Brashear	Hartnett	Lindsay	Schellpeper	Wesely
Bromm	Hilgert	Lynch	Schimek	Wickersham
Brown	Hillman	Matzke	Schmitt	Will
Crosby	Hudkins	Maurstad	Schrock	Witek
Cudaback	Janssen	Pedersen	Stuhr	Withem
Dierks	Jones	Pirsch		

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1070.

A BILL FOR AN ACT relating to the Game and Parks Commission; to provide for conveyance of certain described property to the county of Buffalo; and to grant permanent easements.

Whereupon the 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	Engel	Klein	Pirsch	Stuhr
Avery	Fisher	Kristensen	Preister	Vrtiska
Beutler	Hartnett	Landis	Robak	Warner
Brashear	Hilgert	Lindsay	Robinson	Wehrbein
Bromm	Hillman	Lynch	Schellpeper	Wesely
Crosby	Hudkins	Matzke	Schimek	Wickersham
Cudaback	Janssen	Maurstad	Schmitt	Will
Dierks	Jensen	Pedersen	Schrock	Witek
Elmer	Jones			

Voting in the negative, 0.

Present and not voting, 2:

Brown	Withem

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1090.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-103, Revised Statutes Supplement, 1994; to eliminate a requirement

for submission of a club membership list at the time of application for a license; 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	Elmer	Jensen	Pedersen	Vrtiska
Avery	Engel	Jones	Pirsch	Warner
Beutler	Fisher	Klein	Robak	Wehrbein
Brashear	Hartnett	Landis	Robinson	Wesely
Bromm	Hilgert	Lindsay	Schellpeper	Wickersham
Brown	Hillman	Lynch	Schmitt	Will
Crosby	Hudkins	Matzke	Schrock	Witek
Cudaback	Janssen	Maurstad	Stuhr	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 3:

Kristensen	Preister	Schimek

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1104. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601 and 60-6,290, Reissue Revised Statutes of Nebraska, and sections 60-301 and 60-6,294, Revised Statutes Supplement, 1995; to exempt agricultural floater-spreader implements from weight and load restrictions; to change length limits for combines being transported; to define a term; to state intent; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Elmer	Jones	Pirsch	Vrtiska
Avery	Engel	Klein	Robak	Warner
Beutler	Fisher	Landis	Robinson	Wehrbein
Brashear	Hartnett	Lindsay	Schellpeper	Wesely
Bromm	Hilgert	Lynch	Schimek	Wickersham
Brown	Hillman	Matzke	Schmitt	Will
Crosby	Hudkins	Maurstad	Schrock	Witek
Cudaback	Janssen	Pedersen	Stuhr	Withem
Dierks	Jensen			

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Preister

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

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 1213.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-405, Reissue Revised Statutes of Nebraska; to require certain law enforcement agencies to pay for forensic medical examinations of sexual assault victims; to change a controlled substances schedule; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Elmer	Jensen	Pedersen	Stuhr
Avery	Engel	Jones	Pirsch	Vrtiska
Beutler	Fisher	Klein	Preister	Wehrbein
Brashear	Hartnett	Landis	Robak	Wesely
Bromm	Hilgert	Lindsay	Schellpeper	Wickersham
Brown	Hillman	Lynch	Schimek	Will
Crosby	Hudkins	Matzke	Schmitt	Witek
Cudaback	Janssen	Maurstad	Schrock	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 3:

Kristensen	Robinson	Warner

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1213A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1213, Ninety-fourth Legislature, Second Session, 1996; 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, 41:

Abboud	Elmer	Jones	Pirsch	Stuhr
Avery	Fisher	Klein	Preister	Vrtiska
Beutler	Hartnett	Landis	Robak	Wehrbein
Brashear	Hilgert	Lindsay	Robinson	Wesely
Bromm	Hillman	Lynch	Schellpeper	Wickersham
Brown	Hudkins	Matzke	Schimek	Will
Crosby	Janssen	Maurstad	Schmitt	Witek
Cudaback	Jensen	Pedersen	Schrock	Withem
Dierks				

Voting in the negative, 0.

Present and not voting, 3:

Engel	Kristensen	Warner

Excused and not voting, 5:

Bernard-Stevens	Bohlke	Chambers	Coordsen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 1241.

A BILL FOR AN ACT relating to natural resources; to amend sections 2-3290, 46-1233, 46-1238, and 46-1239, Reissue Revised Statutes of Nebraska, sections 46-1201, 46-1203, and 46-1240, Revised Statutes Supplement, 1994, and section 46-1405, Revised Statutes Supplement, 1995; to provide for fees for access to public lands as prescribed; to define and redefine terms; to provide for penalties and injunctive relief against employers using unlicensed individuals under the Water Well Standards and Contractors' Licensing Act; to change provisions relating to cost sharing for decommissioning illegal water wells; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Elmer	Jensen	Pedersen	Stuhr
Avery	Engel	Jones	Pirsch	Vrtiska
Beutler	Fisher	Klein	Preister	Wehrbein
Brashear	Hartnett	Landis	Robinson	Wesely
Bromm	Hilgert	Lindsay	Schellpeper	Wickersham
Brown	Hillman	Lynch	Schimek	Will
Crosby	Hudkins	Matzke	Schmitt	Witek
Cudaback	Janssen	Maurstad	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Kristensen	Robak	Warner

Excused and not voting, 6:

Bernard-Stevens	Bohlke	Coordsen	Dierks	McKenzie
	Chambers			

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1249.

A BILL FOR AN ACT relating to juries; to amend section 29-2004, Reissue Revised Statutes of Nebraska; to provide for a stipulation for advance jury selection; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud	Cudaback	Janssen	Pedersen	Stuhr
Avery	Elmer	Jensen	Pirsch	Vrtiska
Beutler	Engel	Jones	Preister	Wehrbein
Bohlke	Fisher	Klein	Robinson	Wesely
Brashear	Hartnett	Landis	Schellpeper	Wickersham
Bromm	Hilgert	Lindsay	Schimek	Will
Brown	Hillman	Lynch	Schmitt	Witek
Crosby	Hudkins	Maurstad	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 4:

Kristensen	Matzke	Robak	Warner

Excused and not voting, 5:

Bernard-Stevens	Chambers	Coordsen	Dierks	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1268.

A BILL FOR AN ACT relating to trust companies; to amend section 8-226, Revised Statutes Supplement, 1994; to change a prohibition on the use of certain 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, 40:

Abboud	Beutler	Brashear	Brown	Cudaback
Avery	Bohlke	Bromm	Crosby	Elmer

Engel	Janssen	Lynch	Schellpeper	Wehrbein
Fisher	Jensen	Maurstad	Schimek	Wesely
Hartnett	Jones	Pedersen	Schmitt	Wickersham
Hilgert	Klein	Pirsch	Schrock	Will
Hillman	Landis	Preister	Stuhr	Witek
Hudkins	Lindsay	Robinson	Vrtiska	Withem

Voting in the negative, 0.

Present and not voting, 4:

Kristensen	Matzke	Robak	Warner

Excused and not voting, 5:

Bernard-Stevens	Chambers	Coordsen	Dierks	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1274.

A BILL FOR AN ACT relating to banks and capital stock financial institutions; to amend sections 15-845, 16-712, 72-1268, 72-1268.04, 77-2305, 77-2314, 77-2317, 77-2318.01, 77-2320, 77-2326.05 to 77-2326.08, 77-2346, 77-2351, 77-2356 to 77-2359, and 77-2364, Reissue Revised Statutes of Nebraska, sections 14-556, 15-849, 16-713, 16-715, 16-716, 17-607, 17-720, 77-2318, 77-2326.04, 77-2329, 77-2344, 77-2345, 77-2352, 77-2355, 77-2363, 77-2371, 77-2374 to 77-2376, and 77-2378, Revised Statutes Supplement, 1994, and sections 15-847, 15-848, and 77-2306, Revised Statutes Supplement, 1995; to adopt the Public Funds Deposit Security Act; to change provisions relating to the deposit of public funds; to eliminate provisions relating to the withdrawal and substitution of securities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 72-1268.06, 77-2307, 77-2308, 77-2321, 77-2322, and 77-2328, Reissue Revised Statutes of Nebraska, and sections 72-1268.05, 77-2379, and 77-2380, Revised Statutes Supplement, 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	Bohlke	Brown	Cudaback	Fisher
Avery	Brashear	Coordsen	Elmer	Hilgert
Beutler	Bromm	Crosby	Engel	Hudkins

Janssen	Lynch	Preister	Schrock	Wickersham
Jensen	Maurstad	Robinson	Stuhr	Will
Klein	McKenzie	Schellpeper	Vrtiska	Witek
Landis	Pedersen	Schimek	Wehrbein	Withem
Lindsay	Pirsch	Schmitt	Wesely	

Voting in the negative, 0.

Present and not voting, 7:

Hartnett	Jones	Matzke	Robak	Warner
Hillman	Kristensen			

Excused and not voting, 3:

Bernard-Stevens	Chambers	Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1277.

A BILL FOR AN ACT relating to pickle cards; to amend sections 9-326, 9-332.01, and 9-338, Reissue Revised Statutes of Nebraska, and sections 9-301, 9-306.01, 9-315, and 9-346, Revised Statutes Supplement, 1994; to authorize the sale of seal cards as prescribed; to provide for the licensure of certain nonprofit and other organizations; to redefine terms; to change provisions relating to departmental approval, contraband goods, and pickle card requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud	Crosby	Janssen	Pedersen	Vrtiska
Avery	Cudaback	Jensen	Pirsch	Wehrbein
Beutler	Elmer	Klein	Preister	Wesely
Bohlke	Engel	Landis	Robak	Wickersham
Brashear	Fisher	Lindsay	Schellpeper	Will
Bromm	Hartnett	Lynch	Schmitt	Witek
Brown	Hilgert	Maurstad	Schrock	Withem
Coordsen	Hudkins	McKenzie	Stuhr	

Voting in the negative, 0.

Present and not voting, 7:

Hillman	Kristensen	Robinson	Schimek	Warner
Jones	Matzke			

Excused and not voting, 3:

Bernard-Stevens	Chambers	Dierks

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Wickersham and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1306. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-106, Revised Statutes Supplement, 1994, and section 60-6,298, Revised Statutes Supplement, 1995; to provide for salvage certificates of title as prescribed; to change provisions relating to vehicle size, weight, and load; 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	Cudaback	Jensen	Pedersen	Stuhr
Avery	Elmer	Jones	Pirsch	Vrtiska
Beutler	Engel	Klein	Preister	Warner
Bohlke	Fisher	Landis	Robak	Wehrbein
Brashear	Hartnett	Lindsay	Robinson	Wesely
Bromm	Hilgert	Lynch	Schellpeper	Will
Brown	Hillman	Matzke	Schmitt	Witek
Coordsen	Hudkins	Maurstad	Schrock	Withem
Crosby	Janssen	McKenzie		

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 5:

Bernard-Stevens	Chambers	Dierks	Schimek	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 575.

A BILL FOR AN ACT relating to municipal zoning jurisdiction; to amend section 14-373, Reissue Revised Statutes of Nebraska; to change provisions relating to planning boards for cities of the metropolitan class; to state intent; to define terms; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Cudaback	Jensen	Pedersen	Stuhr
Avery	Elmer	Jones	Pirsch	Vrtiska
Beutler	Engel	Klein	Preister	Warner
Bohlke	Fisher	Landis	Robak	Wehrbein
Brashear	Hartnett	Lindsay	Robinson	Wesely
Bromm	Hilgert	Matzke	Schellpeper	Will
Brown	Hillman	Maurstad	Schmitt	Witek
Coordsen	Hudkins	McKenzie	Schrock	Withem
Crosby	Janssen			

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Lynch

Excused and not voting, 5:

Bernard-Stevens	Chambers	Dierks	Schimek	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Avery and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 948. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend sections 8-103.01, 8-1,134, 8-1,136, 8-1,137, 28-612, and 44-1601, Reissue Revised Statutes of Nebraska, sections 8-1401, 21-17,120.01, and 45-101.04, Revised Statutes Supplement, 1995, and section 9-203, Uniform Commercial Code; to adopt the Credit Union Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 21-1760 to 21-1764, 21-1766 to 21-1770, 21-1772, 21-1773, 21-1775, 21-1776, 21-1777.01 to 21-1781, 21-1783 to 21-1789, 21-1791, 21-1793 to 21-1796, 21-1799 to 21-17,108, 21-17,110, 21-17,112 to 21-17,117.04, 21-17,120, and 21-17,120.02 to 21-17,125, Reissue Revised Statutes of Nebraska, sections 21-1771, 21-1774, 21-1777, 21-1782, 21-1790, 21-17,117.05, 21-17,118, and 21-17,126, Revised Statutes Supplement, 1994, and section 21-1773.01, Revised Statutes Supplement, 1995; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Crosby	Janssen	Maurstad	Schrock
Avery	Cudaback	Jensen	McKenzie	Stuhr
Bernard-Stevens	Dierks	Jones	Pedersen	Vrtiska
Beutler	Elmer	Klein	Pirsch	Warner
Bohlke	Engel	Kristensen	Preister	Wehrbein
Brashear	Fisher	Landis	Robak	Wesely
Bromm	Hartnett	Lindsay	Robinson	Will
Brown	Hilgert	Lynch	Schellpeper	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem
	Hudkins			

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Schimek 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 256.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to change

provisions relating to maintenance costs of individuals determined to be mentally incompetent; 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	Hudkins	McKenzie	Stuhr
Avery	Cudaback	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Jensen	Pirsch	Warner
Beutler	Elmer	Jones	Preister	Wehrbein
Bohlke	Engel	Landis	Robak	Wesely
Brashear	Fisher	Lindsay	Robinson	Will
Bromm	Hartnett	Lynch	Schellpeper	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem
		Maurstad	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Brown	Klein	Kristensen

Excused and not voting, 3:

Chambers	Schimek	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 256A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 256, Ninety-fourth Legislature, Second Session, 1996; 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, 42:

Abboud	Beutler	Coordsen	Elmer	Hilgert
Avery	Bohlke	Crosby	Engel	Hillman
Bernard-Stevens	Brashear	Cudaback	Fisher	Hudkins
	Bromm	Dierks	Hartnett	Janssen

Jensen	Maurstad	Robak	Stuhr	Wesely
Jones	McKenzie	Schellpeper	Vrtiska	Will
Kristensen	Pedersen	Schimek	Warner	Witek
Lynch	Pirsch	Schmitt	Wehrbein	Withem
Matzke	Preister	Schrock		

Voting in the negative, 0.

Present and not voting, 5:

Brown	Klein	Landis	Lindsay	Robinson

Excused and not voting, 2:

Chambers Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 604. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-402, 79-402.15, 79-701, 79-1004, 79-1005, and 79-1108, Reissue Revised Statutes of Nebraska, section 14-554, Revised Statutes Supplement, 1994, sections 23-1601 and 79-1040, Revised Statutes Supplement, 1995, sections 79-403 and 79-1004.04, Reissue Revised Statutes of Nebraska, as amended by sections 205 and 345, respectively, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996, and section 228, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to change provisions relating to county, city, and school district treasurers; to provide for the distribution of funds; to change provisions relating to affiliation of and transfer of property between school districts; to change provisions relating to certain petitions for dissolution of school districts as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud	Bernard-	Beutler	Brashear	Brown
Avery	Stevens	Bohlke	Bromm	Chambers

Coordsen	Hilgert	Kristensen	Preister	Vrtiska
Crosby	Hillman	Landis	Robak	Warner
Cudaback	Hudkins	Lynch	Schellpeper	Wesely
Elmer	Janssen	Matzke	Schimek	Will
Engel	Jensen	Maurstad	Schmitt	Witek
Fisher	Jones	Pedersen	Schrock	Withem
Hartnett	Klein	Pirsch	Stuhr	

Voting in the negative, 0.

Present and not voting, 4:

Dierks	Lindsay	Robinson	Wehrbein

Excused and not voting, 2:

McKenzie 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 642.

A BILL FOR AN ACT relating to foster care; to amend section 43-1318, Reissue Revised Statutes of Nebraska; to provide for and eliminate employees of the State Foster Care Review Board and the Department of Social Services; to provide for the transfer of funds; to provide for case reviews; to provide powers and duties for the board; to state intent; to provide for a review and report; 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, 37:

Abboud	Chambers	Hilgert	Pedersen	Stuhr
Avery	Coordsen	Hudkins	Pirsch	Vrtiska
Bernard-Stevens	Crosby	Janssen	Preister	Warner
	Cudaback	Jensen	Robak	Wehrbein
Beutler	Dierks	Jones	Schellpeper	Wickersham
Bohlke	Elmer	Landis	Schmitt	Will
Brashear	Fisher	Lynch	Schrock	Witek
Bromm	Hartnett	Matzke		

Voting in the negative, 6:

Hillman	Maurstad	Schimek	Wesely	Withem
Klein				

Present and not voting, 5:

Brown	Engel	Kristensen	Lindsay	Robinson

Excused and not voting, 1:

McKenzie

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-fourth Legislature, Second Session, 1996; and to reduce 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, 40:

Abboud	Coordsen	Hilgert	Pedersen	Vrtiska
Avery	Crosby	Hudkins	Pirsch	Warner
Bernard-Stevens	Cudaback	Janssen	Preister	Wehrbein
Beutler	Dierks	Jensen	Robak	Wesely
Bohlke	Elmer	Jones	Schellpeper	Wickersham
Brashear	Engel	Landis	Schimek	Will
Bromm	Fisher	Lynch	Schmitt	Witek
Chambers	Hartnett	Matzke	Stuhr	Withem

Voting in the negative, 2:

Hillman	Klein

Present and not voting, 6:

Brown	Lindsay	Maurstad	Robinson	Schrock
Kristensen				

Excused and not voting, 1:

McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1085.

A BILL FOR AN ACT relating to government; to amend sections 2-203, 2-203.02, 2-203.05, 22-401 to 22-406, 22-411, 22-412, 22-416, 23-104.01, 23-153, 23-1114, 23-1301, 23-1501, 23-1601.01, 23-1701, 23-1901.01, 23-3204, 35-516, 77-205, 80-102, and 80-102.01, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-229, 2-1604, 22-407, 23-3201, 23-3401, 23-3509, 23-3511, 32-517, 32-518, 32-519, 32-524, 32-525, and 32-526, Revised Statutes Supplement, 1994, and sections 23-1201.01, 23-3507, 23-3519, 35-517, 77-1340, and 77-1601, Revised Statutes Supplement, 1995; to change the levy powers of the county board regarding certain political subdivisions; to provide for a study on natural resources districts; to provide, change, and eliminate consolidation procedures for intercounty and intracounty consolidation; to require a study by county boards; to change residency provisions for certain county officers; to provide duties for drainage districts and natural resources districts; to change a salary provision for veterans service officers; to eliminate certain levy provisions; to provide for preliminary property levies; to change county levy dates; to change a provision authorizing state assumption of county property assessment functions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 22-408 to 22-410 and 77-1605.03, Reissue Revised Statutes of Nebraska, sections 77-1602, 77-1603, 77-1605, 77-1605.01, and 77-1627, Revised Statutes Supplement, 1994, and section 77-1612, Revised Statutes Supplement, 1995.

Whereupon the 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	Hillman	Maurstad	Stuhr
Avery	Crosby	Hudkins	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Janssen	Pirsch	Warner
Beutler	Dierks	Jensen	Robak	Wehrbein
Bohlke	Elmer	Jones	Robinson	Wesely
Brashear	Engel	Klein	Schellpeper	Wickersham
Bromm	Fisher	Kristensen	Schimek	Will
Brown	Hartnett	Landis	Schmitt	Witek
Chambers	Hilgert	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Lindsay Lynch Preister

Excused and not voting, 1:

McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1085A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Matzke	Schrock
Avery	Coordsen	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Crosby	Janssen	Pedersen	Vrtiska
Beutler	Dierks	Jensen	Pirsch	Warner
Bohlke	Elmer	Jones	Preister	Wehrbein
Brashear	Engel	Klein	Robak	Wesely
Bromm	Fisher	Kristensen	Schellpeper	Will
Brown	Hartnett	Landis	Schimek	Witek
	Hilgert	Lynch	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 4:

Cudaback Lindsay Robinson Wickersham

Excused and not voting, 1:

McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1248. With Emergency.

A BILL FOR AN ACT relating to state claims; to amend sections 81-8,239.01 and 81-8,239.02, Reissue Revised Statutes of Nebraska; to provide a claims process for catastrophic financial emergencies; to create a fund; to define terms; to state intent; to provide powers and duties; to provide a termination date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Coordsen	Hudkins	Maurstad	Stuhr
Avery	Crosby	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Jensen	Pirsch	Warner
Beutler	Dierks	Jones	Preister	Wehrbein
Bohlke	Elmer	Klein	Robak	Wesely
Brashear	Engel	Kristensen	Robinson	Wickersham
Bromm	Fisher	Landis	Schellpeper	Will
Brown	Hartnett	Lynch	Schmitt	Witek
	Hilgert	Matzke	Schrock	Withem

Voting in the negative, 2:

Chambers Schimek

Present and not voting, 2:

Hillman Lindsay

Excused and not voting, 1:

McKenzie

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

LEGISLATIVE BILL 1248A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1248, Ninety-fourth Legislature, Second Session, 1996; to provide for a transfer of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Coordsen	Janssen	Pedersen	Stuhr
Avery	Crosby	Jensen	Pirsch	Vrtiska
Bernard-Stevens	Dierks	Jones	Preister	Warner
Beutler	Elmer	Klein	Robak	Wehrbein
Bohlke	Engel	Kristensen	Robinson	Wickersham
Brashear	Fisher	Landis	Schellpeper	Will
Bromm	Hartnett	Lynch	Schmitt	Witek
Brown	Hilgert	Matzke	Schrock	Withem
	Hudkins	Maurstad		

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Hillman Lindsay Schimek Wesely

Excused and not voting, 2:

Cudaback McKenzie

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 292CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18, Article VIII, sections 1, 2, 4, and 6, Article IX, section 4, Article XI, section 1, Article XV, section 18, and Article XVII, section 4, and repeal Article IX, section 5:

XV-18 "(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the

same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

(2) The Legislature may provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section.

(3) In providing for the financing of (a) the joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments, the Legislature may provide for differences in tax rates as authorized in Article VIII, section 1, of this Constitution."

III-18 "The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, ~~Town~~ plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County ~~and Township~~ offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates, and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities~~, Towns~~ and Villages, or changing or amending the charter of any ~~Town~~, City, or Village.

Providing for the election of Officers in ~~Townships, incorporated Towns or~~ Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, ~~towns~~, precincts, school districts, or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties, or forfeitures, creating, increasing, and decreasing fees, percentage, or allowances of public officers, during the term for which ~~said~~ the officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; ~~PROVIDED,~~ except that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted."

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 differences in tax rates within and outside municipalities and on different classes of property so long as any such differences and classifications are reasonable and are required by either or both (a) an agreement between local governments for the support of a joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments; (4) 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, and 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)~~ (5) 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)~~ (6) 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)~~ (7) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; ~~(7)~~ (8) 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)~~ (9) 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~~ Except as provided in subdivision (3) of this section, 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."

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the

owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation."

VIII-4 "Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, ~~township, town,~~ or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; ~~PROVIDED,~~ except that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions."

VIII-6 "The Legislature may vest the corporate authorities of cities~~,~~ ~~towns~~ and villages~~,~~ with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special assessments for the maintenance, repair, and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and

collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe."

IX-4 "The Legislature shall provide by law for the election of such county ~~and township~~ officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~; PROVIDED, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties."

XI-1 "No city, county, ~~town,~~ precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, ~~or~~ private corporation, or association."

XVII-4 "The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, ~~township~~ and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities~~,~~ and villages, ~~and towns,~~ shall be elected at a general election to be held as aforesaid. An incumbent of any office shall hold over until his or her successor is duly elected and qualified."

"Article IX, section 5, of the Constitution of Nebraska, is repealed.".

Sec. 2. 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 legislation relating to mergers and consolidations by local governments, to authorize the Legislature to provide for differences in tax rates within and outside municipalities, to change a restriction on allocation of proceeds from motor vehicle taxes, to provide that property of the state and its governmental subdivisions is exempt from taxation to the extent such property is used for public purposes and to authorize classification and taxation of such property, and to repeal and eliminate provisions dealing with township organization and towns.

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, 46:

Abboud	Bernard-Stevens	Bohlke	Brown	Dierks
Avery	Beutler	Brashear	Coordsen	Elmer
		Bromm	Crosby	Engel

Fisher	Jones	Maurstad	Schimek	Wehrbein
Hartnett	Klein	Pedersen	Schmitt	Wesely
Hilgert	Kristensen	Pirsch	Schrock	Wickersham
Hillman	Landis	Preister	Stuhr	Will
Hudkins	Lindsay	Robak	Vrtiska	Witek
Janssen	Lynch	Robinson	Warner	Withem
Jensen	Matzke	Schellpeper		

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Cudaback McKenzie

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

RESOLUTION

LEGISLATIVE RESOLUTION 470. Introduced by Dierks, 40.

WHEREAS, The art of porcelain painting has been recognized as a fine art by civilizations throughout the ages and continues to contribute to the aesthetic enrichment of our culture; and

WHEREAS, a set of handpainted cover plate settings was given to the State of Nebraska by the Nebraska Chapter of the World Organization of China Painters and graces the formal dining table of the Governor's mansion, is admired by guests and official visitors, and presents a very favorable image of the state and its talented citizens; and

WHEREAS, Nebraska enjoys a rich tradition of porcelain painting and has twenty-three organized groups representing more than four hundred porcelain artists across the state who practice and promote this art; and

WHEREAS, the Nebraska Chapter of the World Organization of China Painters will hold its annual state convention on May 9th through the 11th in Kearney, Nebraska.

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

1. That the Legislature declares porcelain painting to be a fine art and gives special recognition to the many artists who participate in this activity.

2. That the Legislature expresses its appreciation to the Nebraska Chapter of the World Organization of China Painters for its efforts to preserve and promote this unique art form.

3. That a copy of this resolution be sent to Charlotte Sitorius of Brady, Nebraska, State President of the Nebraska World Organization of China Painters.

Laid over.

MESSAGE FROM THE GOVERNOR

April 5, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1050A was received in my office on April 3, 1996.

This bill was signed by me on April 5, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 9, 1996, at 10:15 p.m., were the following bills: 106, 464, 964, 969, 1120, 1191, 1265, 496, 496A, 754, 754A, 1273, 1273A, 1205, 1391, 323, 323A, 345, 345A, and 463.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative resolutions 358 and 439.

LR	Committee
358	Business and Labor
439	Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

EXPLANATION OF VOTE

Had I been present for the Final Reading vote on LB 1189e, I would have voted "no."

(Signed) John Lindsay

RESOLUTION

LEGISLATIVE RESOLUTION 343. Read. Considered.

Standing Committee amendment, AM4141, found in the Journal on page 1598, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Messrs. Abboud, Hartnett, Lynch, Avery, and Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek renewed her pending amendment, AM4267, found in the Journal on page 1944.

MR. WILL PRESIDING

Messrs. Robinson and Fisher asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 299:
FA640
Strike the enacting clause.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 575, 948, 256, 256A, and 604.

(Signed) Bob Wickersham

VISITORS

Visitors to the Chamber were ten seniors and teacher from Norfolk High School; 75 fourth grade students and sponsors from Ashland/Greenwood, Ashland; 43 Ambassador Club members from Geneva; 24 fourth grade students and sponsors from Shoemaker School, Grand Island; 5 members of the Delta Sigma Theta Sorority

from Omaha; Excel Home School Support Group from Omaha; 48 seniors and teacher from Ft. Calhoun School; 65 fourth grade students and teachers from Westridge School, Elkhorn; 29 eighth grade students and sponsors from Arapahoe Public Schools; Senator Schrock's father, Sam Schrock, from Holdrege; 48 students from Mission Middle School, Bellevue; and 50 fourth grade students and teachers from Aurora Public School.

RECESS

At 12:01 p.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., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Bernard-Stevens, Cudaback, Dierks, Elmer, Engel, Fisher, Hilgert, Klein, Kristensen, Landis Lindsay, Lynch, Pedersen, Schellpeper, Vrtiska, Warner, Will, Mmes. Bohlke, McKenzie, 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 bills: LBs 681, 931, 1069, 1070, 1090, 1104, 1213, 1213A, 1241, 1249, 1268, 1274, 1277, 1306, 575, 948, 256, 256A, 604, 642, 642A, 1085, 1085A, 1248, and 1248A.

RESOLUTION

LEGISLATIVE RESOLUTION 343. The Witek pending amendment, AM4267, found in the Journal on page 1944 and considered on page 2009, was renewed.

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.

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

Mrs. Witek withdrew her amendment.

Mr. Beutler offered the following amendment:
FA641

In line 4 of Section 1 after 'following' add:
"if, after consultation with a second legal expert, which expert shall be chosen by the governor and the attorney general together, immediate litigation is advised by such expert:"

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

MRS. CROSBY PRESIDING

Messrs. Abboud and Jensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment lost with 7 ayes, 19 nays, 13 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. Beutler offered the following amendment:
FA642
on line four of Section 1 strike "to determine"
"to obtain a ruling favorable to the benefit recipients on"

Mr. Wehrbein moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

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

The Beutler amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mrs. Witek requested a record vote on the adoption of the resolution.

Voting in the affirmative, 30:

Bohlke	Elmer	Hudkins	Matzke	Vrtiska
Brashear	Engel	Janssen	Maurstad	Warner
Bromm	Fisher	Klein	McKenzie	Wehrbein
Brown	Hartnett	Kristensen	Pedersen	Wesely
Chambers	Hilgert	Landis	Schmitt	Wickersham
Crosby	Hillman	Lynch	Stuhr	Will

Voting in the negative, 12:

Avery	Beutler	Jensen	Pirsch	Schrock
Bernard-Stevens	Coordsen	Jones	Schimek	Witek
	Dierks	Lindsay		

Present and not voting, 3:

Preister	Robak	Schellpeper

Excused and not voting, 4:

Abboud	Cudaback	Robinson	Withem

LR 343 was adopted with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1996, at 2:00 p.m., were the following bills: 681, 931, 1069, 1070, 1090, 1104, 1213, 1213A, 1241, 1249, 1268, 1274, 1277, 1306, 575, 948, 256, 256A, 604, 642, 642A, 1085, 1085A, 1248, and 1248A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTIONS

LEGISLATIVE RESOLUTION 466. Read. Considered.

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

MR. COORDSEN PRESIDING

LR 466 was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE RESOLUTION 395. Read. Considered.

Mr. Bernard-Stevens asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

LEGISLATIVE RESOLUTION 461. Read. Considered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 462. Read. Considered.

Mr. Withem withdrew his amendment, FA637, found in the Journal on page 1958.

LEGISLATIVE RESOLUTION 463. Read. Considered.

LEGISLATIVE RESOLUTION 464. Read. Considered.

LEGISLATIVE RESOLUTION 465. Read. Considered.

LEGISLATIVE RESOLUTION 467. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 395, 461, 462, 463, 464, 465, and 467 were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

WITHDRAW - Amendment to LB 693

Mr. Warner withdrew his amendment, AM2523, found in the Journal on page 2592, First Session, 1995, to LB 693.

MOTION - Suspend Rules

Mr. Warner renewed his pending motion, found in the Journal on page 1953, to suspend the rules, Rule 7, 3(d) to amend LB 693 to adopt AM4439.

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

The Warner motion to suspend the rules prevailed with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

MOTION - Return LB 693 to Select File

Mr. Warner moved to return LB 693 to Select File for the Warner et al. specific amendment, AM4439, found in the Journal on page 1953.

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 693. The Warner et al. specific amendment, AM4439, found in the Journal on page 1953, was adopted with 28 ayes, 2 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendments to LB 693

Mr. Warner withdrew his amendments, AM4433 and AM4447, found in the Journal on pages 1956 and 1957, to LB 693.

MOTION - Return LB 693 to Select File

Mr. Warner moved to return LB 693 to Select File for the following specific amendment:
AM4454

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 54, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 54. On or before September 10 each year, the county clerk shall ~~set~~ certify a preliminary property tax rate for each political subdivision which levied property taxes in the county the previous year. For school systems with multiple school districts, the county clerk shall certify to each school district the combined valuation of the school system with the multiple school districts and the proportion of valuation in each district by September 10. The county clerk shall also certify the preliminary levy based on the combined valuation and the amount requested for the school system for the prior year. The rate shall be calculated by dividing the amount requested for property taxes in the budget of the previous year by the final valuation in the political subdivision for the current year. For any subdivision levying taxes in more than one county, the county clerks of all the affected counties shall agree on the preliminary levy. Except for school systems with multiple school districts, the ~~The~~ preliminary levy shall be published for each political subdivision in a newspaper of general circulation in the county on or before September 15. The preliminary levy shall be considered as the final levy as set by the county board of equalization in section 77-1601 unless changed by the political subdivision pursuant to section 55 of this act prior to October 15.

Sec. 2. Section 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

Sec. 55. The preliminary levy ~~set~~ certified in section 54 of this act shall be the final levy unless the governing body of a political subdivision passes by a majority vote a resolution or ordinance setting the levy at a different amount. School systems

with multiple school districts shall hold a hearing to approve or modify the preliminary systemwide levies on or before September 15. For a school system with multiple districts, the school board of the Class VI school district or kindergarten through grade twelve district shall have the authority to set the tax rate for the school system. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing. Any resolution setting a tax levy under this section shall be forwarded to the county clerk and certified.

Sec. 56. Section 77-1601, Revised Statutes Supplement, 1995, as amended by section 56, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, is amended to read:

77-1601. (1) The county board of equalization shall each year, on or before October 15, levy the necessary taxes for the current year. The levy shall include all such taxes as ~~set~~ certified by the county clerk or approved by the governing body under sections 54 and 55 of this act. Any such taxes regularly voted and certified to the county assessor, after the county board has made such levy and before the county clerk has completed the tax list, shall be levied by the county board of equalization, if within the limit of the law, and extended upon the tax list.

(2) Within thirty days after a levy has been made pursuant to this section, the county board of equalization upon its own motion may act to correct a clerical error which has resulted in the calculation of an incorrect levy. The county board of equalization shall hold a special hearing to determine what adjustment to the levy is proper, legal, or necessary. Notice of the place and time of such hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the county. The published notice shall set forth (a) the time and place of the hearing, (b) the dollar amount at issue, and (c) a statement setting forth the nature of the error. Notice shall also be provided to the governing body of each political subdivision affected by the error.

(3) Upon the conclusion of the special hearing, the county board of equalization may issue a corrected levy if it determines the magnitude of the error warrants the action. The county board of equalization shall then order (a) the county assessor, county clerk, and county treasurer to revise assessment books, unit valuation ledgers, tax statements, and any other tax records to reflect the correction made and (b) the recertification of the information provided to the Property Tax Administrator pursuant to section 77-1613.01.".

2. Renumber the remaining sections and correct the title and repealer accordingly.

The Warner motion to return prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 693. The Warner specific amendment, AM4454, found in this day's Journal, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

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

WITHDRAW - Amendment to LB 1076

Mr. Wesely withdrew his amendment, FA624, found in the Journal on page 1909, to LB 1076.

MOTION - Return LB 1076 to Select File

Mr. Wesely moved to return LB 1076 to Select File for the Wesely-Kristensen specific amendment, AM4444, found in the Journal on page 1958.

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

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR 343.

(Signed) David I. Maurstad, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 343. Introduced by Wickersham, 49; Wehrbein, 2; Lynch, 13; Crosby, 29; Robak, 22.

WHEREAS, section 79-1509.02, Reissue Revised Statutes of Nebraska, allowed noncertificated school employees who previously

elected not to be included in the School Retirement System of the State of Nebraska to file, after January 1, 1978, and prior to July 1, 1978, an election to be included in membership of the system; and

WHEREAS, section 79-1509.03, Reissue Revised Statutes of Nebraska, allowed noncertificated school employees employed after January 1, 1978, and prior to July 1, 1978, to file until June 30, 1978, an election not to be included in membership of the system, thereby waiving all rights within the system except to a refund of accumulated contributions; and

WHEREAS, the Public Employees Retirement Board allowed certain noncertificated school employees access to the School Retirement System of the State of Nebraska after July 1, 1978, when the election for membership had closed pursuant to sections 79-1509.02 and 79-1509.03, Reissue Revised Statutes of Nebraska; and

WHEREAS, the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems do not have the statutory authority to allow noncertificated school employees who previously elected nonmembership to join the School Retirement System of the State of Nebraska; and

WHEREAS, members of the Public Employees Retirement Board and state officers and employees are charged with the duties and responsibilities of administration of the retirement systems and funds and are required to lawfully execute their duties; and

WHEREAS, certain noncertificated school employees may have relied upon representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems that such employees could join the School Retirement System of the State of Nebraska at any time by filing a membership registration with the retirement office; and

WHEREAS, the rights of the affected noncertificated school employees to participate in the School Retirement System of the State of Nebraska remain unclear; and

WHEREAS, it is vital that the retirement systems be administered with certainty and in accordance with the law both statutory and constitutional; and

WHEREAS, legislation creating rights for the affected noncertificated school employees could be challenged under Article III, sections 18 and 19 of the Constitution of the State of Nebraska; and

WHEREAS, the representations, communications, and actions of the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems and any reliance upon those representations by the noncertificated school employees may have created constitutionally protected contract rights to participate in the School Retirement System of the State of Nebraska; and

WHEREAS, the Attorney General has issued an opinion advising the Public Employees Retirement Board that some constitutionally protected rights to participate in the School Retirement System of the State of Nebraska have been created; and

WHEREAS, the Attorney General has not brought an action to resolve the conflict between his opinion and the applicable statutes; and

WHEREAS, the Legislature may direct the Attorney General to undertake specific actions pursuant to subdivision (9) of section 84-205.

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

1. That the Nebraska Legislature request the Attorney General for the State of Nebraska, under the authority vested in him by section 84-205, Reissue Revised Statutes of Nebraska, to initiate an action at the earliest possible date to obtain a ruling favorable to the benefit recipients on the following:

(a) Whether sections 79-1509.02 and 79-1509.03 were constitutionally enacted;

(b) Whether the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems allowing certain noncertificated school employees who elected nonmembership prior to July 1, 1978, access to the School Retirement System of the State of Nebraska after July 1, 1978, created membership rights in the system for them based upon the theory of estoppel;

(c) Whether (i) the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems allowing certain noncertificated school employees who elected nonmembership prior to July 1, 1978, access to the School Retirement System of the State of Nebraska after July 1, 1978, created membership rights for them in the system based upon the theory of contract; (ii) whether implementation of sections 79-1509.02 and 79-1509.03 would unconstitutionally impair such contract rights, if created; and (iii) if so, whether sections 79-1509.02 and 79-1509.03 are constitutional; and

(d) Whether the representations, communications, and actions by the Public Employees Retirement Board and the Nebraska Public Employees Retirement Systems to certain noncertificated school employees who elected nonmembership prior to July 1, 1978, and have not applied for membership since July 1, 1978, have created any rights which allow such employees to join the system.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following enrolled resolution: LR 343.

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.

Paula Wolfson-Kessler - Motor Vehicle Industry Licensing Board
Charles Grimsley - Motor Vehicle Industry Licensing Board

VOTE: Aye: Senators Avery, Coordsen, Jones, Klein, Kristensen, Matzke, Pedersen, and Pirsch. Nay: None. Absent: None.

(Signed) Doug Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 693.

Enrollment and Review Change to LB 693
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9195
1. Changes have been made to incorporate all adopted amendments and to reflect the amendments in the title and repealer.

(Signed) David I. Maurstad, Chairperson

MOTION - Return LB 1076 to Select File

The Wesely pending motion, found in this day's Journal, to return LB 1076 to Select File for the Wesely-Kristensen specific amendment, AM4444, found in the Journal on page 1958, was renewed.

Pending.

VISITORS

Visitors to the Chamber were sixth grade students and teacher from Sumner-Eddyville-Miller; 50 fourth grade students and sponsors from Lexington-Morton Elementary; 30 fourth grade students and teachers from Yutan Elementary; 42 fourth grade students and teacher from Morton Elementary, Hastings; 42 fourth grade students and teacher from Sandoz Elementary, Lexington; Dr. Ann Mari May and Linda Ratcliffe from UNL; Gretchen Rose from Hastings; Senator Schrock's cousins, Betty Alderman from St. Paul and Doris Maurer from Kearney; and Danielle Kuhlman from Lincoln.

The Chair introduced a group from the Nebraska Association of Former State Legislators.

The Doctor of the Day was Peter Reynen from Lincoln.

MOTION - Adjournment

Mr. Bernard-Stevens moved to adjourn until 8:30 a.m., Thursday, April 11, 1996.

Mr. Kristensen requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 23:

Bernard-Stevens	Chambers	Hudkins	McKenzie	Schmitt
	Coordsen	Janssen	Pedersen	Vrtiska
Beutler	Crosby	Jensen	Pirsch	Will
Bohlke	Hartnett	Jones	Preister	Withem
Brashear	Hilgert	Landis	Robinson	

Voting in the negative, 17:

Avery	Klein	Maurstad	Stuhr	Wesely
Brown	Kristensen	Robak	Warner	Wickersham
Engel	Lindsay	Schrock	Wehrbein	Witek
Fisher	Matzke			

Present and not voting, 6:

Bromm	Elmer	Hillman	Schellpeper	Schimek
Cudaback				

Excused and not voting, 3:

Abboud	Dierks	Lynch

The Bernard-Stevens motion to adjourn prevailed with 23 ayes, 17 nays, 6 present and not voting, and 3 excused and not voting, and at 5:33 p.m., the Legislature adjourned until 8:30 a.m., Thursday, April 11, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

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FIFTY-NINTH DAY - APRIL 11, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 1996

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bernard-Stevens, Bromm, Elmer, Engel, Fisher, Hilgert, Landis, Lindsay, Matzke, Schrock, Wesely, Will, Mmes. Bohlke, McKenzie, Pirsch, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 471. Introduced by Government, Military and Veterans Affairs Committee: Robinson, 16, Chairperson; Cudaback, 36; Hilgert, 7; Janssen, 15; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Witek, 31.

PURPOSE: The purpose of this resolution is to review the activities, events, and procedures relating to contracts entered into by the

Nebraska Library Commission to provide electronic access to state records.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

MOTION - Return LB 108 to Select File

Mr. Dierks moved to return LB 108 to Select File for the following specific amendment:
FA644

Strike the enacting clause.

Mr. Dierks withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 108.

A BILL FOR AN ACT relating to water resources; to amend sections 2-1586, 2-3211.01, 46-295, 46-296, 46-630, 46-656, 46-657, 46-660, 46-661, 46-662, 46-663.01, 46-663.02, 46-664, 46-666, 46-666.01, 46-668, 46-669, 46-671, 46-672, 46-673, 46-673.01 to 46-673.07, 46-673.10, 46-673.11, 46-673.13, 46-674.02 to 46-674.14, 46-674.16 to 46-674.18, 46-674.20, 46-676, 46-689, and 81-15,176, Reissue Revised Statutes of Nebraska, sections 2-1588, 46-673.14 to 46-673.16, 46-674, 46-1207.01, and 77-27,137.02, Revised Statutes Supplement, 1994, and sections 46-659, 46-663, and 46-670, Revised Statutes Supplement, 1995; to change and eliminate provisions relating to ground water management areas; to provide for management of interrelated ground water and surface water resources; to provide for applicability of certain provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 46-658, 46-665, 46-667, 46-673.08, 46-673.09, 46-673.12, 46-674.15, and 46-674.19, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Avery	Chambers	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Crosby	Jensen	McKenzie	Warner
Beutler	Cudaback	Klein	Pedersen	Wehrbein
Bohlke	Engel	Landis	Preister	Wesely
Brashear	Fisher	Lindsay	Robinson	Wickersham
Bromm	Hartnett	Lynch	Schimek	Witek
Brown	Hilgert	Matzke	Schrock	Withem
	Hillman			

Voting in the negative, 10:

Coordsen	Janssen	Kristensen	Robak	Schmitt
Dierks	Jones	Pirsch	Schellpeper	Vrtiska

Excused and not voting, 3:

Abboud	Elmer	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 108A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 108, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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:

Avery	Chambers	Hudkins	Maurstad	Stuhr
Bernard-Stevens	Crosby	Jensen	McKenzie	Warner
Beutler	Cudaback	Klein	Pedersen	Wehrbein
Bohlke	Engel	Kristensen	Preister	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hartnett	Lindsay	Schimek	Witek
Brown	Hilgert	Lynch	Schrock	Withem
	Hillman	Matzke		

Voting in the negative, 7:

Dierks	Jones	Robak	Schellpeper	Schmitt
Janssen	Pirsch			

Present and not voting, 2:

Coordsen Vrtiska

Excused and not voting, 3:

Abboud Elmer 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 27CA.

THE MEMBERS OF THE NINETY-FOURTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 1996 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

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 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. 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. 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".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 41:

Avery	Coordsen	Janssen	McKenzie	Schmitt
Bernard-Stevens	Crosby	Jensen	Pedersen	Schrock
Beutler	Cudaback	Jones	Pirsch	Stuhr
Bohlke	Engel	Klein	Preister	Warner
Brashear	Fisher	Kristensen	Robak	Wesely
Bromm	Hartnett	Landis	Robinson	Wickersham
Brown	Hilgert	Lindsay	Schellpeper	Witek
Chambers	Hillman	Lynch	Schimek	Withem
	Hudkins			

Voting in the negative, 4:

Matzke	Maurstad	Vrtiska	Wehrbein

Present and not voting, 1:

Dierks

Excused and not voting, 3:

Abboud	Elmer	Will

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

MOTION - Return LB 29 to Select File

Mr. Warner moved to return LB 29 to Select File for the following specific amendment:

FA643

Strike the enacting clause.

Mr. Warner withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 29. With Emergency.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend section 85-1610, Revised Statutes Supplement, 1995; to require fees for the reimbursement of certain costs paid by the state relating to defaults on student loans; to provide powers and duties for the Coordinating Commission for Postsecondary Education; to provide for the revocation of certain authorizations and permits; to create a fund; to prohibit certain acts; to provide severability; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Avery	Engel	Klein	Pedersen	Stuhr
Beutler	Fisher	Kristensen	Pirsch	Vrtiska
Bohlke	Hartnett	Landis	Preister	Warner
Brashear	Hilgert	Lindsay	Robak	Wehrbein
Bromm	Hillman	Lynch	Schellpeper	Wesely
Brown	Hudkins	Matzke	Schimek	Wickersham
Coordsen	Janssen	Maurstad	Schmitt	Witek
Crosby	Jensen	McKenzie	Schrock	Withem
Cudaback	Jones			

Voting in the negative, 1:

Bernard-
Stevens

Present and not voting, 3:

Chambers Dierks Robinson

Excused and not voting, 3:

Abboud Elmer 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 29A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 29, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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:

Avery	Crosby	Jensen	McKenzie	Schrock
Bernard-Stevens	Cudaback	Jones	Pedersen	Stuhr
Beutler	Engel	Klein	Pirsch	Vrtiska
Bohlke	Fisher	Kristensen	Preister	Warner
Brashear	Hartnett	Landis	Robak	Wehrbein
Bromm	Hilgert	Lindsay	Robinson	Wesely
Brown	Hillman	Lynch	Schellpeper	Wickersham
Coordsen	Hudkins	Matzke	Schimek	Witek
	Janssen	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers Dierks

Excused and not voting, 3:

Abboud Elmer 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 33. With Emergency.

A BILL FOR AN ACT relating to fees; to amend section 33-151, Reissue Revised Statutes of Nebraska, and section 33-150, Revised Statutes Supplement, 1995; to change the percentage amount of certain fees credited to the General Fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Avery	Coordsen	Janssen	McKenzie	Schrock
Bernard-Stevens	Crosby	Jensen	Pedersen	Stuhr
Beutler	Cudaback	Jones	Pirsch	Vrtiska
Bohlke	Engel	Klein	Preister	Warner
Brashear	Fisher	Kristensen	Robak	Wehrbein
Bromm	Hartnett	Landis	Robinson	Wesely
Brown	Hilgert	Lindsay	Schellpeper	Wickersham
Chambers	Hillman	Matzke	Schimek	Witek
	Hudkins	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 2:

Dierks Lynch

Excused and not voting, 3:

Abboud Elmer 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 299 to Select File

Mr. Kristensen moved to return LB 299 to Select File for his specific amendment, FA640, found in the Journal on page 2009.

Mr. Kristensen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 299. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 2-206, 2-2431, 16-802, 17-939, 22-210, 23-122, 23-164, 25-519, 25-1409, 25-2228, 46-142, 46-271, 46-568, 54-304, 54-314, and 79-3820, Reissue Revised Statutes of Nebraska, sections 13-503, 13-511, and 23-3616, Revised Statutes Supplement, 1994, sections 13-508, 79-3814, 79-3816, and 85-1517, Revised Statutes Supplement, 1995; section 79-3817, Reissue Revised Statutes of Nebraska, as amended by section 31, Legislative Bill 1050, Ninety-fourth Legislature, Second Session, 1996, and section 79-3819, Revised Statutes Supplement, 1995, as amended by section 32, Legislative Bill

1050, Ninety-fourth Legislature, Second Session, 1996; to provide, change, and eliminate spending limits on political subdivisions with tax levy authority; to state intent; to create a task force; to change and eliminate certain publication requirements; to harmonize provisions; to appropriate funds; to repeal the original sections; to outright repeal sections 77-1712, 77-1713, and 77-1714, Reissue Revised Statutes of Nebraska, sections 77-3438.01 and 77-3440, Revised Statutes Supplement, 1994, sections 77-3437 and 77-3438.02, Revised Statutes Supplement, 1995, and sections 77-3438 and 77-3439, Revised Statutes Supplement, 1995, as amended by sections 1064 and 1065, respectively, Legislative Bill 900, Ninety-fourth Legislature, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Hartnett	Kristensen	Pedersen	Vrtiska
Bohlke	Hilgert	Landis	Pirsch	Warner
Brashear	Hillman	Lindsay	Preister	Wehrbein
Bromm	Hudkins	Lynch	Robak	Wesely
Brown	Janssen	Matzke	Robinson	Wickersham
Coordsen	Jensen	Maurstad	Schmitt	Witek
Dierks	Jones	McKenzie	Stuhr	Withem
Engel				

Voting in the negative, 11:

Avery	Beutler	Cudaback	Klein	Schimek
Bernard-Stevens	Chambers	Fisher	Schellpeper	Schrock
	Crosby			

Excused and not voting, 2:

Elmer 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 1114 to Select File

Mr. Bernard-Stevens moved to return LB 1114 to Select File for his specific amendment, FA616, found in the Journal on page 1867.

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

MR. WESELY PRESIDING

Messrs. Withem and Dierks 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 27 ayes, 5 nays, and 17 not voting.

Mr. Bernard-Stevens requested a roll call vote on his motion to return LB 1114 to Select File.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Abboud	Elmer	Jensen	Matzke	Vrtiska
Avery	Engel	Jones	McKenzie	Warner
Bohlke	Fisher	Klein	Pedersen	Wehrbein
Brashear	Hartnett	Kristensen	Pirsch	Wesely
Bromm	Hilgert	Landis	Preister	Wickersham
Brown	Hillman	Lindsay	Robak	Witek
Coordsen	Hudkins	Lynch	Robinson	Withem
Crosby	Janssen			

Present and not voting, 9:

Bernard-Stevens	Beutler	Maurstad	Schimek	Schrock
	Cudaback	Schellpeper	Schmitt	Stuhr

Excused and not voting, 2:

Dierks Will

The Bernard-Stevens motion lost with 1 aye, 37 nays, 9 present and not voting, and 2 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Bernard-Stevens moved to reconsider the motion to return LB 1114 to Select File for his specific amendment.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Bernard-Stevens withdrew his motion to reconsider.

MR. COORDSEN PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1114.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 2-203, 2-203.02, 2-203.05, 2-2428, 2-3211.01, 13-303, 15-1026, 18-1221, 23-129, 23-224, 31-411.02, 35-508, 35-509, 35-514.02, 39-1637, 39-1649, 51-201, 51-316, 51-501, 71-1638, 80-202, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, sections 2-201, 2-203.01, 2-229, 2-958, 2-1604, 2-2447, 2-3225, 3-504, 3-603, 3-605, 3-613, 3-707, 12-914, 12-923, 13-1304, 16-702, 17-702, 18-501, 18-512, 19-1309, 23-119, 23-259, 23-276, 23-320.05, 23-320.07, 23-320.11, 23-355.01, 23-360, 23-2909, 23-3511, 23-3616, 32-1042, 71-1629.01, 71-1637, and 74-1306, Revised Statutes Supplement, 1994, and sections 2-2444, 16-1019, 16-1038, 23-120, 23-3519, 23-3552, 39-1621, 79-2210, and 85-1517, Revised Statutes Supplement, 1995; to provide, change, and eliminate limits on property tax levies for governmental subdivisions; to provide and change powers and duties of county boards; to authorize creation of councils on public improvements and services; to change provisions relating to weather control districts; to eliminate rural mail route and township band provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 23-344, 23-803, 23-805 to 23-807, 39-801, 39-1002 to 39-1004, 39-1009, 46-673, and 46-674.19, Reissue Revised Statutes of Nebraska, and sections 23-801, 23-802, 23-804, 39-1001, 39-1005, 39-1006, and 39-1008, Revised Statutes Supplement, 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	Dierks	Janssen	Matzke	Stuhr
Avery	Elmer	Jensen	McKenzie	Vrtiska
Bohlke	Engel	Jones	Pedersen	Warner
Brashear	Fisher	Kristensen	Pirsch	Wehrbein
Bromm	Hartnett	Landis	Preister	Wickersham
Brown	Hilgert	Lindsay	Robak	Witek
Coordsen	Hillman	Lynch	Robinson	Withem
Crosby				

Voting in the negative, 12:

Bernard-Stevens	Chambers	Klein	Schimek	Schrock
Beutler	Cudaback	Maurstad	Schmitt	Wesely
	Hudkins	Schellpeper		

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

MOTION - Return LB 1177 to Select File

Mr. Wesely moved to return LB 1177 to Select File for his specific amendment, FA636, found in the Journal on page 1945.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1177.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-802 to 13-804, 77-913, 77-27,144, 77-4105, and 77-4106, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 1995; to provide state aid to municipalities; to define terms; to create a fund; to provide for interlocal agreements for public safety services; to authorize certain taxes; to provide duties; 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:

Avery	Coordsen	Hartnett	Jones	Matzke
Bernard-Stevens	Cudaback	Hilgert	Klein	Maurstad
Bohlke	Dierks	Hillman	Kristensen	McKenzie
Brashear	Elmer	Hudkins	Landis	Pedersen
Bromm	Engel	Janssen	Lindsay	Pirsch
	Fisher	Jensen	Lynch	Preister

Robak	Schimek	Stuhr	Wehrbein	Witek
Robinson	Schmitt	Vrtiska	Wesely	Withem
Schellpeper	Schrock	Warner	Wickersham	

Voting in the negative, 3:

Beutler	Chambers	Crosby

Present and not voting, 2:

Abboud	Brown

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 465.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.11 and 60-311.12, Revised Statutes Supplement, 1995; to change provisions relating to personalized message license 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, 47:

Abboud	Coordsen	Hudkins	McKenzie	Schrock
Avery	Crosby	Janssen	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pirsch	Vrtiska
	Dierks	Jones	Preister	Warner
Beutler	Elmer	Klein	Robak	Wehrbein
Bohlke	Engel	Kristensen	Robinson	Wesely
Brashear	Fisher	Landis	Schellpeper	Wickersham
Bromm	Hartnett	Lindsay	Schimek	Witek
Brown	Hilgert	Matzke	Schmitt	Withem
Chambers	Hillman	Maurstad		

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 465A to Select File

Mr. Kristensen moved to return LB 465A to Select File for the following specific amendment:
FA645
Strike the enacting clause.

The Kristensen motion to return prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 465A. The Kristensen specific amendment, FA645, found in this day's Journal, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

LB 465A stands indefinitely postponed.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 634.

A BILL FOR AN ACT relating to the environment; to amend section 81-1505.04, Reissue Revised Statutes of Nebraska; to change provisions relating to emission fees; to provide duties; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud	Bromm	Engel	Jensen	McKenzie
Avery	Brown	Fisher	Jones	Pedersen
Bernard-Stevens	Chambers	Hartnett	Klein	Pirsch
Beutler	Coordsen	Hilgert	Landis	Preister
Bohlke	Crosby	Hillman	Lindsay	Robinson
Brashear	Dierks	Hudkins	Matzke	Schellpeper
	Elmer	Janssen	Maurstad	Schmitt

Schrock	Vrtiska	Wehrbein	Wickersham	Withem
Stuhr	Warner	Wesely	Witek	

Voting in the negative, 0.

Present and not voting, 5:

Cudaback	Kristensen	Lynch	Robak	Schimek

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 750 to Select File

Mr. Lindsay moved to return LB 750 to Select File for his specific amendment, FA635, found in the Journal on page 1945.

Mr. Lindsay withdrew his motion to return.

WITHDRAW - Amendments/Motions to LB 750

Mr. Lindsay withdrew his amendments, AM4441, AM4443, and AM4396, found in the Journal on pages 1945 and 1979, to LB 750.

Mr. Lindsay withdrew his motion, found in the Journal on page 1945, to bracket LB 750.

Mr. Lindsay withdrew his motions, found in the Journal on pages 1945 and 1979, to suspend the rules to LB 750.

Mr. Landis withdrew his motion, found in the Journal on page 1958, to suspend the rules to LB 750.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 750.

A BILL FOR AN ACT relating to liquor; to amend sections 53-117.07, 53-123, 53-123.01, 53-131, 53-169, 53-171, and 53-188, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-123.14, 53-124, 53-124.11, 53-124.12, and 53-164.01, Revised Statutes Supplement, 1994; to provide for craft brewery licenses; to eliminate brewpub

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, 31:

Avery	Elmer	Hudkins	Pirsch	Schmitt
Beutler	Engel	Jensen	Preister	Schrock
Bohlke	Fisher	Klein	Robak	Stuhr
Bromm	Hartnett	Landis	Robinson	Warner
Coordsen	Hilgert	Matzke	Schellpeper	Wesely
Crosby	Hillman	Maurstad	Schimek	Wickersham
Cudaback				

Voting in the negative, 10:

Abboud	Chambers	Kristensen	Pedersen	Witek
Bernard-Stevens	Janssen	Lindsay	Vrtiska	Withem

Present and not voting, 7:

Brashear	Dierks	Lynch	McKenzie	Wehrbein
Brown	Jones			

Excused and not voting, 1:

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 10, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cavanaugh, James P. - Lincoln Nebraska Brewing Company

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LBs 108, 108A, 29, 29A, 33, 299, 1114, 1177, 465, LRs 292CA, and 27CA.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Ft. Calhoun Elementary; 40 fourth grade students and teachers from Roper Elementary, Lincoln; 13 eighth grade students and sponsors from Hall School, North Platte; Joe and Margaret Denning from Lincoln; Senator JoAnn Morford-Burg from South Dakota; and 47 fourth grade students and teachers from St. Bernard School, Omaha.

RECESS

At 11:58 a.m., on a motion by Mr. Kristensen, 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 Messrs. Abboud, Jensen, Jones, and Will who were excused until they arrive.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 901. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,182, 60-601, 60-605, 60-683, 60-6,186 to 60-6,188, 60-6,190, and 81-2006, Reissue Revised Statutes of Nebraska, and section 60-321, Revised Statutes Supplement, 1995; to change provisions relating to liability insurance; to change speed limits; to provide for fines; to provide and change powers and duties relating to enforcement; 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, 27:

Abboud	Brown	Hillman	Lynch	Schmitt
Avery	Dierks	Hudkins	Matzke	Warner
Bernard-Stevens	Elmer	Janssen	Maurstad	Wehrbein
Bohlke	Fisher	Klein	Robak	Wickersham
Brashear	Hartnett	Kristensen	Schellpeper	Withem
	Hilgert	Lindsay		

Voting in the negative, 16:

Beutler	Engel	Pedersen	Robinson	Stuhr
Bromm	Jensen	Pirsch	Schimek	Wesely
Crosby	Landis	Preister	Schrock	Witek
Cudaback				

Present and not voting, 4:

Chambers	Coordsen	McKenzie	Vrtiska

Excused and not voting, 2:

Jones	Will

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

MOTION - Reconsider Action on LB 901

Mr. Coordsen moved to reconsider the vote just taken on LB 901e.

The Coordsen motion to reconsider prevailed with 40 ayes, 6 nays, 2 present and not voting, and 1 excused and not voting.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 901. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 34:

Abboud	Bernard-Stevens	Brashear	Coordsen	Fisher
Avery	Bohlke	Brown	Dierks	Hartnett
		Chambers	Elmer	Hilgert

Hillman	Lindsay	McKenzie	Schmitt	Wesely
Hudkins	Lynch	Robak	Vrtiska	Wickersham
Janssen	Matzke	Robinson	Warner	Will
Klein	Maurstad	Schellpeper	Wehrbein	Withem
Kristensen				

Voting in the negative, 15:

Beutler	Cudaback	Jones	Pirsch	Schrock
Bromm	Engel	Landis	Preister	Stuhr
Crosby	Jensen	Pedersen	Schimek	Witek

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 952. With Emergency.

A BILL FOR AN ACT relating to vehicular pursuit; to amend sections 13-911, 13-926, 29-211, and 81-8,215.01, Reissue Revised Statutes of Nebraska; to change provisions relating to reimbursement for damages from vehicular pursuit; to require training; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Coordsen	Hudkins	McKenzie	Stuhr
Avery	Crosby	Janssen	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Jensen	Pirsch	Warner
	Dierks	Jones	Preister	Wehrbein
Beutler	Elmer	Kristensen	Robak	Wesely
Bohlke	Engel	Landis	Robinson	Wickersham
Brashear	Fisher	Lindsay	Schellpeper	Will
Bromm	Hartnett	Lynch	Schimek	Witek
Brown	Hilgert	Matzke	Schmitt	Withem
Chambers	Hillman	Maurstad	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Klein

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 1039. With Emergency.

A BILL FOR AN ACT relating to property tax; to amend sections 77-1348 and 77-3524, Reissue Revised Statutes of Nebraska, section 77-1344, Revised Statutes Supplement, 1994, and sections 77-3504, 77-3505.02, 77-3512, 77-3513, 77-3514, 77-3516, 77-3517, and 77-3528, Revised Statutes Supplement, 1995; to change a provision relating to valuation of agricultural and horticultural lands; to redefine terms; to change filing dates; to change homestead exemption review provisions; to change statistic requirements; to provide for applicability of legislative changes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

Abboud	Cudaback	Jensen	Pedersen	Stuhr
Avery	Dierks	Jones	Pirsch	Vrtiska
Beutler	Elmer	Klein	Preister	Warner
Bohlke	Engel	Kristensen	Robak	Wehrbein
Brashear	Fisher	Landis	Robinson	Wesely
Bromm	Hartnett	Lindsay	Schellpeper	Wickersham
Brown	Hilgert	Lynch	Schimek	Will
Chambers	Hillman	Matzke	Schmitt	Witek
Coordsen	Hudkins	Maurstad	Schrock	Withem
Crosby	Janssen	McKenzie		

Voting in the negative, 1:

Bernard-
Stevens

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

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

LEGISLATIVE BILL 1039A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1039, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Cudaback	Jensen	McKenzie	Schrock
Avery	Dierks	Jones	Pedersen	Stuhr
Beutler	Elmer	Klein	Pirsch	Vrtiska
Bohlke	Engel	Kristensen	Preister	Wehrbein
Brashear	Fisher	Landis	Robak	Wesely
Bromm	Hartnett	Lindsay	Robinson	Wickersham
Brown	Hillman	Lynch	Schellpeper	Will
Chambers	Hudkins	Matzke	Schimek	Witek
Coordsen	Janssen	Maurstad	Schmitt	Withem
Crosby				

Voting in the negative, 1:

Bernard-
Stevens

Present and not voting, 1:

Warner

Excused and not voting, 1:

Hilgert

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 1053. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-103, 8-105, 8-112, 8-1,134, 45-345, and 45-713, Reissue Revised Statutes of Nebraska, sections 8-133, 8-147, and 8-1110,

Revised Statutes Supplement, 1994, and sections 8-1101, 8-1111, and 45-711, Revised Statutes Supplement, 1995; to change provisions relating to loans to Department of Banking and Finance employees, nepotism, confidential department records, direct borrowing by a bank, and departmental hearings; to authorize the securing of deposits by the Secretary of the Interior on behalf of Indians or Indian tribes as prescribed; to change provisions relating to the Securities Act of Nebraska; to redefine a term; to change provisions relating to securities and securities transactions exempt from registration; to change provisions relating to installment sales licenses; to provide duties for licensees under the Mortgage Bankers Registration and Licensing 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, 48:

Abboud	Coordsen	Janssen	McKenzie	Stuhr
Avery	Crosby	Jensen	Pedersen	Vrtiska
Bernard-Stevens	Cudaback	Jones	Pirsch	Warner
Beutler	Dierks	Klein	Preister	Wehrbein
Bohlke	Elmer	Kristensen	Robak	Wesely
Brashear	Engel	Landis	Robinson	Wickersham
Bromm	Fisher	Lindsay	Schellpeper	Will
Brown	Hartnett	Lynch	Schimek	Witek
Chambers	Hillman	Matzke	Schmitt	Withem
	Hudkins	Maurstad	Schrock	

Voting in the negative, 0.

Excused and not voting, 1:

Hilgert

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 1055.

A BILL FOR AN ACT relating to firearms; to amend sections 81-1401, 81-1414, 83-109, and 83-1068, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2405, 69-2408 to 69-2410, 69-2421, 69-2422, 69-2424, and 69-2425, Revised Statutes Supplement, 1994; to provide for information relating to mental health to be furnished to the Nebraska State Patrol for purposes of handgun

purchases; to provide for immunity; to provide a penalty; to define and redefine terms; to require law enforcement officers to maintain proficiency in firearm operation; to provide powers and duties for the Nebraska Law Enforcement Training Center and law enforcement agencies; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Cudaback	Jones	Pedersen	Stuhr
Avery	Dierks	Klein	Pirsch	Vrtiska
Beutler	Elmer	Kristensen	Preister	Warner
Bohlke	Engel	Landis	Robak	Wehrbein
Brashear	Fisher	Lindsay	Robinson	Wesely
Bromm	Hartnett	Lynch	Schellpeper	Wickersham
Brown	Hillman	Matzke	Schimek	Will
Chambers	Hudkins	Maurstad	Schmitt	Witek
Coordsen	Janssen	McKenzie	Schrock	Withem
Crosby	Jensen			

Voting in the negative, 1:

Bernard-
Stevens

Excused and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1055A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1055, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Abboud	Avery	Beutler	Bohlke	Brashear

Bromm	Fisher	Landis	Preister	Vrtiska
Brown	Hartnett	Lindsay	Robak	Warner
Chambers	Hillman	Lynch	Robinson	Wehrbein
Coordsen	Hudkins	Matzke	Schellpeper	Wesely
Crosby	Janssen	Maurstad	Schimek	Wickersham
Cudaback	Jensen	McKenzie	Schmitt	Will
Dierks	Jones	Pedersen	Schrock	Witek
Elmer	Klein	Pirsch	Stuhr	Withem
Engel	Kristensen			

Voting in the negative, 1:

Bernard-
Stevens

Excused and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1076 to Select File

Mr. Wesely renewed his pending motion, found in the Journal on page 2016 and considered on page 2019, to return LB 1076 to Select File for the Wesely-Kristensen specific amendment, AM4444, found in the Journal on page 1958.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1076.

A BILL FOR AN ACT relating to retirement; to amend sections 24-701, 24-706, 79-1501, 79-1513, 79-1514, 79-1514.01, 79-1520, 79-1523, 79-1529, 79-1533, 81-2031, 84-1301, 84-1317, and 84-1321, Reissue Revised Statutes of Nebraska, sections 23-2315 and 23-2319, Revised Statutes Supplement, 1994, sections 23-2301, 23-2306, 23-2331, 79-1043, 79-1501.01, 81-2014, 81-2016, 84-1307, 84-1331, and 84-1503, Revised Statutes Supplement, 1995, and sections 79-1514.05, 79-1522, and 79-1522.01, Reissue Revised Statutes of Nebraska, as amended by sections 559, 568, and 569, respectively, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996; to define and redefine terms; to change and eliminate provisions relating to eligibility and vesting credit, purchase of service credit,

adjustments of contributions and benefits, termination benefits, limitation of actions, certain post-retirement employment, disability, system membership, buy-backs, and contracts for actuarial services; to correct a reference to a federal act; to provide powers and duties; to provide a rebuttable presumption concerning the death or disability of a firefighter as a result of cancer; to harmonize provisions; to provide duties for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 79-1519, Reissue Revised Statutes of Nebraska, as amended by section 565, Legislative Bill 900, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Abboud	Coordsen	Hillman	Pirsch	Stuhr
Avery	Crosby	Hudkins	Preister	Warner
Bernard-Stevens	Cudaback	Jensen	Robak	Wehrbein
Beutler	Elmer	Landis	Robinson	Wickersham
Bohlke	Engel	Matzke	Schellpeper	Will
Brashear	Fisher	McKenzie	Schimek	Witek
	Hartnett	Pedersen	Schmitt	Withem

Voting in the negative, 7:

Bromm	Klein	Lindsay	Maurstad	Wesely
Janssen	Kristensen			

Present and not voting, 7:

Brown	Dierks	Lynch	Schrock	Vrtiska
Chambers	Jones			

Excused and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1076A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1076, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Hudkins	McKenzie	Stuhr
Avery	Crosby	Janssen	Pedersen	Warner
Bernard-Stevens	Dierks	Klein	Pirsch	Wehrbein
Beutler	Elmer	Kristensen	Preister	Wesely
Bohlke	Engel	Landis	Robak	Wickersham
Brashear	Fisher	Lindsay	Robinson	Will
Bromm	Hartnett	Matzke	Schellpeper	Witek
Brown	Hillman	Maurstad	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 8:

Chambers	Jensen	Lynch	Schrock	Vrtiska
Cudaback	Jones	Schimek		

Excused and not voting, 1:

Hilgert

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendments to LB 1108

Mr. Bernard-Stevens withdrew his amendments, AM3398 and AM3533, found in the Journal on pages 982 and 1066, to LB 1108.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1108. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 28-401, 28-410, 28-412, 28-414, 28-1437, 71-124.01, 71-129, 71-1,107.19, 71-1,107.25, 71-1,107.26, and 71-1,107.29, Reissue Revised Statutes of Nebraska, sections 71-1,107.16, 71-1,107.17, 71-1,142, 71-1,143, 71-1,147, 71-1,147.09, 71-1,147.53, 71-1,147.56, and 71-1,147.57, Revised Statutes Supplement, 1994, and sections 71-3508, 71-5108, 71-5109, 71-5111, and 71-7001, Revised Statutes Supplement, 1995; to change provisions relating to prescriptions, the

dispensing of drugs, and the regulation of the pharmacy profession; to change certification provisions for physician assistants; to provide for licensure of physician assistants; 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	Chambers	Hillman	Maurstad	Vrtiska
Avery	Coordsen	Hudkins	McKenzie	Warner
Bernard-Stevens	Crosby	Janssen	Pedersen	Wehrbein
Beutler	Cudaback	Jensen	Pirsch	Wesely
Bohlke	Dierks	Klein	Preister	Wickersham
Brashear	Elmer	Kristensen	Robak	Will
Bromm	Engel	Landis	Schellpeper	Witek
Brown	Fisher	Lindsay	Schimek	Withem
	Hartnett	Matzke	Stuhr	

Voting in the negative, 0.

Present and not voting, 4:

Jones	Lynch	Schmitt	Schrock

Excused and not voting, 2:

Hilgert	Robinson

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 1108A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1108, Ninety-fourth Legislature, Second Session, 1996; 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, 44:

Abboud	Avery

Bernard-Stevens	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Pirsch	Warner
Brashear	Elmer	Klein	Preister	Wehrbein
Bromm	Engel	Kristensen	Robinson	Wesely
Brown	Fisher	Landis	Schellpeper	Wickersham
Chambers	Hartnett	Lindsay	Schimek	Will
Coordsen	Hilgert	Matzke	Schmitt	Witek
Crosby	Hillman	Maurstad	Schrock	Withem
	Hudkins	McKenzie		

Voting in the negative, 0.

Present and not voting, 5:

Bohlke	Jones	Lynch	Robak	Vrtiska

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 resolutions: LRs 395, 461, 462, 463, 464, 465, 466, and 467.

SPEAKER WITHEM PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1121. With Emergency.

A BILL FOR AN ACT relating to motor fuel tax; to amend sections 66-489, 66-719, 66-720, 66-729, 66-731, and 66-738, Revised Statutes Supplement, 1994, and sections 66-482, 66-697, 66-727, 66-740, and 66-1344, Revised Statutes Supplement, 1995; to redefine a term; to exempt certain fuel; to eliminate a seal requirement for dispensing devices; to prohibit certain acts; to change provisions relating to collection of data; to continue the existence of the motor fuel tax task force; to change provisions relating to an ethanol tax credit; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 66-714 and 66-715, Revised Statutes Supplement, 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	Chambers	Hillman	McKenzie	Stuhr
Avery	Crosby	Hudkins	Pedersen	Warner
Bernard-Stevens	Cudaback	Janssen	Pirsch	Wehrbein
Beutler	Dierks	Jensen	Preister	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Brashear	Engel	Landis	Schellpeper	Will
Bromm	Fisher	Lindsay	Schimek	Witek
Brown	Hartnett	Lynch	Schmitt	Withem
	Hilgert	Maurstad	Schrock	

Voting in the negative, 1:

Klein

Present and not voting, 5:

Coordsen	Kristensen	Matzke	Robinson	Vrtiska

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 1155. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 43-905, 43-1723, 43-1726, 43-1727, 44-772, 44-776, 44-777, 68-716, 68-1026, 71-1002, 71-5002, 71-5103, 71-5122, 71-5123, 71-5805.01, 71-5813, 71-5828, 71-5846, 81-604.03, 81-651, 81-1021, 83-1,147, 83-1,148, 83-227.01, 83-305, 83-308, 83-308.02, 83-324, 83-336, 83-339, 83-340, 83-391, 83-1001, 83-1014, 83-1020, 83-1021, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1037, 83-1039, 83-1040, 83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, 83-1068, and 83-1078, Reissue Revised Statutes of Nebraska, sections 42-358, 43-258, 43-1718.02, 43-1720, 43-1722, 71-507, 71-1637, 71-2017, 71-2017.01, 71-2017.07, 71-4604.01, 71-4606, 71-4608, 71-5001, 71-5211 to 71-5213, 71-5508, 71-5652 to 71-5654, 71-5662, 71-5664 to 71-5669, 71-5801, 71-5803, 71-5810, and 71-6615, Revised Statutes Supplement, 1994, sections 43-105, 44-773, 48-647, 71-1,132.06, 71-1,132.17, 71-387, 71-5102, 71-5108, and 71-5661, Revised Statutes Supplement, 1995, and section 83-306, Reissue Revised Statutes of Nebraska, as amended by section 941, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; to adopt the Hospice Licensure Act and the False Medicaid Claims Act; to provide, change, and eliminate powers and duties of the Department of Social Services relating to income withholding for child support and medical assistance benefits; to provide for listed Christian Science

nurses; to change provisions relating to electrology; to change provisions relating to anatomical gifts; to change provisions regarding alcoholic and drug treatment centers; to change provisions relating to sales of recreational vehicles; to change and eliminate provisions relating to the Division of Medical Services of the Department of Public Institutions; to change provisions relating to ambulance services, the Primary Care Physician Act, the Nebraska Rural Health Systems and Professional Incentive Act, and the Nebraska Health Care Certificate of Need Act; to provide penalties for violations by nursing facilities of federal medicaid regulations; to create a fund; to change and eliminate provisions concerning treatment, placement, and extradition of mentally ill persons; to eliminate certification and inspection requirements for burial structures as prescribed; to eliminate references to the Nebraska Center for Children and Youth, a cash fund, and a task force; to eliminate duties of the Department of Social Services relating to waivers and reports; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 12-608, 12-612.01, 68-721, 83-1,150 to 83-1,152, 83-308.01, and 83-344, Reissue Revised Statutes of Nebraska, section 68-1036.01, Revised Statutes Supplement, 1994, sections 12-610 to 12-612, 43-901, 43-902, 43-904, 43-909, 43-910, 43-913, 47-408, 68-214, and 83-1,149, Reissue Revised Statutes of Nebraska, as amended by sections 49 to 51, 181, 182, 184, 189, 190, 191, 273, 293, and 927, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, sections 12-607, 12-609, 68-1019.06, and 68-1019.08, Revised Statutes Supplement, 1994, as amended by sections 47, 48, 321, and 322, respectively, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996, and section 68-157, Revised Statutes Supplement, 1995, as amended by section 292, Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Jones	Pirsch	Vrtiska
Avery	Elmer	Klein	Preister	Warner
Beutler	Engel	Landis	Robak	Wehrbein
Bohlke	Fisher	Lindsay	Schellpeper	Wesely
Brashear	Hartnett	Lynch	Schimek	Wickersham
Bromm	Hilgert	Matzke	Schmitt	Will
Brown	Hillman	Maurstad	Schrock	Witek
Coordsen	Hudkins	McKenzie	Stuhr	Withem
Cudaback	Janssen	Pedersen		

Voting in the negative, 2:

Crosby	Kristensen			

Present and not voting, 4:

Bernard-Stevens	Chambers	Jensen	Robinson

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 1155A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1155, Ninety-fourth Legislature, Second Session, 1996; and to provide for transfers 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, 44:

Abboud	Cudaback	Janssen	McKenzie	Vrtiska
Avery	Dierks	Jones	Pedersen	Warner
Beutler	Elmer	Klein	Pirsch	Wehrbein
Bohlke	Engel	Kristensen	Preister	Wesely
Brashear	Fisher	Landis	Schellpeper	Wickersham
Bromm	Hartnett	Lindsay	Schimek	Will
Brown	Hilgert	Lynch	Schmitt	Witek
Coordsen	Hillman	Matzke	Schrock	Withem
Crosby	Hudkins	Maurstad	Stuhr	

Voting in the negative, 0.

Present and not voting, 5:

Bernard-Stevens	Chambers	Jensen	Robak	Robinson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1174.

A BILL FOR AN ACT relating to livestock; to amend sections 54-134, 54-143, 54-145.01, 54-160, 54-401, 54-403, and 54-407, Reissue

Revised Statutes of Nebraska; to change and eliminate brand inspection area provisions, brand inspection and livestock transportation requirements, and trespassing animal provisions; to eliminate a definition; to harmonize provisions; to repeal the original sections; and to outright repeal sections 54-134.07 and 54-408, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud	Crosby	Janssen	McKenzie	Stuhr
Avery	Cudaback	Jensen	Pedersen	Vrtiska
Bernard-Stevens	Dierks	Jones	Pirsch	Warner
Beutler	Elmer	Klein	Preister	Wehrbein
Bohlke	Engel	Kristensen	Robak	Wesely
Brashear	Fisher	Landis	Robinson	Wickersham
Bromm	Hartnett	Lindsay	Schellpeper	Will
Brown	Hilgert	Lynch	Schimek	Witek
Coordsen	Hillman	Matzke	Schmitt	Withem
	Hudkins	Maurstad	Schrock	

Voting in the negative, 0.

Present and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1188. With Emergency.

A BILL FOR AN ACT relating to health care; to adopt the Nonprofit Hospital Sale Act; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Bohlke	Crosby	Fisher	Janssen
Avery	Brashear	Cudaback	Hartnett	Jensen
Bernard-Stevens	Bromm	Dierks	Hilgert	Jones
Beutler	Brown	Elmer	Hillman	Klein
	Coordsen	Engel	Hudkins	Kristensen

Landis	McKenzie	Schellpeper	Stuhr	Wesely
Lindsay	Pedersen	Schimek	Vrtiska	Will
Lynch	Preister	Schmitt	Warner	Witek
Matzke	Robak	Schrock	Wehrbein	Withem
Maurstad	Robinson			

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Pirsch	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 1188A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1188, Ninety-fourth Legislature, Second Session, 1996; to provide for a transfer of funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud	Cudaback	Janssen	Maurstad	Schrock
Avery	Dierks	Jensen	McKenzie	Stuhr
Beutler	Elmer	Jones	Pedersen	Vrtiska
Bohlke	Engel	Klein	Preister	Warner
Brashear	Fisher	Kristensen	Robak	Wehrbein
Bromm	Hartnett	Landis	Robinson	Wesely
Brown	Hilgert	Lindsay	Schellpeper	Will
Coordsen	Hillman	Lynch	Schimek	Witek
Crosby	Hudkins	Matzke	Schmitt	Withem

Voting in the negative, 1:

Bernard-
Stevens

Present and not voting, 3:

Chambers	Pirsch	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 1190. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 77-2602, Revised Statutes Supplement, 1994, and section 81-179, Revised Statutes Supplement, 1995; to adopt the Information Technology Infrastructure Act; to provide a termination date; to change the distribution of cigarette tax revenue; 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, 41:

Abboud	Coordsen	Janssen	Maurstad	Stuhr
Avery	Crosby	Jensen	McKenzie	Warner
Bernard-Stevens	Dierks	Jones	Pedersen	Wehrbein
Beutler	Elmer	Klein	Pirsch	Wesely
Bohlke	Engel	Kristensen	Preister	Wickersham
Brashear	Hartnett	Lindsay	Robak	Will
Bromm	Hilgert	Lynch	Robinson	Witek
Brown	Hillman	Matzke	Schimek	Withem
	Hudkins			

Voting in the negative, 6:

Fisher	Schellpeper	Schmitt	Schrock	Vrtiska
Landis				

Present and not voting, 2:

Chambers Cudaback

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 1190A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1190, Ninety-fourth Legislature, Second Session, 1996; 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, 38:

Abboud	Crosby	Janssen	McKenzie	Warner
Avery	Dierks	Jensen	Pedersen	Wehrbein
Beutler	Elmer	Klein	Preister	Wesely
Bohlke	Engel	Kristensen	Robak	Wickersham
Brashear	Hartnett	Lindsay	Robinson	Will
Bromm	Hilgert	Lynch	Schimek	Witek
Brown	Hillman	Matzke	Stuhr	Withem
Coordsen	Hudkins	Maurstad		

Voting in the negative, 9:

Bernard-Stevens	Cudaback	Landis	Schellpeper	Schrock
	Fisher	Pirsch	Schmitt	Vrtiska

Present and not voting, 2:

Chambers 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.

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

LEGISLATIVE BILL 1201.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend sections 81-1578, 81-1581, 81-1584.01, 81-15,101, 81-15,102, and 81-15,105.01, Reissue Revised Statutes of Nebraska, section 71-3508.02, Revised Statutes Supplement, 1994, and sections 71-3503 and 81-15,103, Revised Statutes Supplement, 1995; to define and redefine terms; to change provisions relating to facilities, facility operators, and remedial cleanup costs; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Cudaback	Janssen	Pedersen	Stuhr
Avery	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Warner
Bohlke	Fisher	Klein	Robak	Wehrbein
Brashear	Hartnett	Kristensen	Robinson	Wickersham
Bromm	Hilgert	Lynch	Schellpeper	Will
Brown	Hillman	Maurstad	Schmitt	Witek
Coordsen	Hudkins	McKenzie	Schrock	Withem
Crosby				

Voting in the negative, 5:

Bernard-Stevens	Chambers	Landis	Schimek	Wesely

Present and not voting, 2:

Engel Matzke

Excused and not voting, 1:

Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1211.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-1738.02, 18-1741.03, and 18-1741.04, Revised Statutes Supplement, 1994, and sections 18-1736 to 18-1738.01, 18-1739 to 18-1741.01, and 33-139.01, Revised Statutes Supplement, 1995; to change provisions relating to the issuance of parking permits for handicapped or disabled persons; and to repeal the original sections.

Whereupon the 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	Brown	Fisher	Kristensen	Robak
Avery	Chambers	Hartnett	Landis	Robinson
Bernard-Stevens	Coordsen	Hilgert	Lynch	Schellpeper
	Crosby	Hudkins	Maurstad	Schimek
Beutler	Cudaback	Janssen	McKenzie	Schmitt
Bohlke	Dierks	Jensen	Pedersen	Schrock
Brashear	Elmer	Jones	Pirsch	Stuhr
Bromm	Engel	Klein	Preister	Vrtiska

Warner	Wesely	Will	Witek	Withem
Wehrbein	Wickersham			

Voting in the negative, 0.

Present and not voting, 2:

Hillman Matzke

Excused and not voting, 1:

Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1211A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1211, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Hudkins	McKenzie	Schrock
Avery	Cudaback	Janssen	Pedersen	Stuhr
Bernard-Stevens	Dierks	Jensen	Pirsch	Vrtiska
	Elmer	Jones	Preister	Warner
Beutler	Engel	Klein	Robak	Wehrbein
Bohlke	Fisher	Kristensen	Robinson	Wesely
Brashear	Hartnett	Landis	Schellpeper	Wickersham
Bromm	Hilgert	Lynch	Schimek	Will
Brown	Hillman	Maurstad	Schmitt	Witek

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Coordsen	Matzke	Withem

Excused and not voting, 1:

Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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.

Commission for the Hearing Impaired
Phyllis J. Johnson
Dr. Jerry W. Zenor

Rural Health Advisory Commission
Gary J. Pavel
Alice M. Kindschuh
Dr. Bob Rhodes
Diane Schlotman
Dr. Margaret Cavanaugh-Boyer
Michael J. Steckler

State Board of Health
Connie J. Day
Gary Bieganski

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Klein, Pirsch, and Schimek. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 472. Introduced by Hartnett, 45, Chairperson of Urban Affairs Committee.

PURPOSE: The purpose of this study will be to gather data, analyze, and conduct a study on the impact, implications, and implementation of LB1085, LR292CA, LB299, LB1114, and LB1177 as they relate to cities, villages, and sanitary and improvement districts. The study would involve the following elements:

(1) To continue the research initiated by the Urban Affairs Committee in its study of the implications of property tax relief measures conducted under LR213 (1995) in conjunction with the LR206 select committee;

(2) To assist the LR419 select committee in the LR419 study with regard to issues involving matters within the jurisdiction of the Urban Affairs Committee;

(3) To investigate potential forms, structures, and relationships between cities and other governmental subdivisions which could result in reduced reliance on property tax revenue and create more efficient and economic ways of providing government services;

(4) To review existing state statutes, rules, and regulations to find unfunded state mandates on cities and villages; and

(5) To determine which state statutes relating to cities, villages, and sanitary and improvement districts need to be conformed or repealed to enable those entities to comply with the duties, responsibilities, and limitations created by the property tax legislation enacted in the 1996 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 1996, at 12:30 p.m., were the following bills: 29, 29A, 33, 108, 108A, 299, 1114, 1177, and 465.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 11, 1996, at 12:45 p.m., were the following resolutions: LR 27CA and LR 292CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1261. Placed on General File as amended.
Standing Committee amendment to LB 1261:
AM4456

1. On page 2, line 1, strike "1997" and insert "1998";
in line 7 after "government" insert "or qualifying religious, educational, or cemetery organizations"; and in line 13 after "size" insert "by the local government imposing the payments in

5 lieu of taxes".

(Signed) Jerome Warner, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions 468, 469, and 471.

LR	Committee
468	Revenue
469	Agriculture
471	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
DAS-Risk Management/State Claims Board Annual Report (Sections 81-8,226 and 81-8,300, Reissue Revised Statutes of Nebraska, 1943)

Investment Finance Authority, Nebraska, (NIFA)
Annual Report

UNANIMOUS CONSENT - Member Excused

Mrs. Hudkins 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 1226. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 66-1524, 81-1504, 81-15,117, 81-15,119, 81-15,120, 81-15,124.01, 81-15,148 to 81-15,151, and 81-15,152 to 81-15,155, Reissue Revised Statutes of Nebraska, and sections 66-1501, 66-1509, 66-1513, 66-1514, 66-1518, 66-1519, 66-1522, 66-1523, 66-1525, and 66-1529.01, Revised Statutes Supplement, 1994; to change provisions of the Petroleum Release Remedial Action Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, and the

Wastewater Treatment Facilities Construction Assistance Act; to authorize interfund transfers; to define and redefine terms; to provide powers and duties; to change payment and reimbursement procedures and rule and regulation provisions; to create a technical advisory committee; to provide requirements for remedial actions; to authorize loans for nonpoint source control systems; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud	Chambers	Hillman	Maurstad	Stuhr
Avery	Crosby	Janssen	McKenzie	Vrtiska
Bernard-Stevens	Cudaback	Jensen	Pedersen	Warner
Beutler	Dierks	Jones	Pirsch	Wehrbein
Bohlke	Elmer	Klein	Preister	Wesely
Brashear	Engel	Kristensen	Schellpeper	Wickersham
Bromm	Fisher	Landis	Schimek	Will
Brown	Hartnett	Lynch	Schmitt	Witek
	Hilgert	Matzke	Schrock	Withem

Voting in the negative, 0.

Present and not voting, 3:

Coordsen Robak Robinson

Excused and not voting, 2:

Hudkins 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 1226A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1226, Ninety-fourth Legislature, Second Session, 1996; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud	Chambers	Hilgert	Maurstad	Stuhr
Avery	Coordsen	Hillman	McKenzie	Vrtiska
Bernard-Stevens	Crosby	Janssen	Pirsch	Warner
Beutler	Cudaback	Jensen	Preister	Wehrbein
Bohlke	Dierks	Jones	Schellpeper	Wesely
Brashear	Elmer	Klein	Schimek	Will
Bromm	Engel	Kristensen	Schmitt	Witek
Brown	Fisher	Landis	Schrock	Withem
	Hartnett	Matzke		

Voting in the negative, 0.

Present and not voting, 5:

Lynch	Pedersen	Robak	Robinson	Wickersham

Excused and not voting, 2:

Hudkins 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 1230.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-144.03, Revised Statutes Supplement, 1994; to change notice requirements for cancellation or nonrenewal of policies; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud	Chambers	Hilgert	McKenzie	Stuhr
Avery	Coordsen	Hillman	Pedersen	Vrtiska
Bernard-Stevens	Crosby	Janssen	Pirsch	Warner
Beutler	Cudaback	Jensen	Preister	Wehrbein
Bohlke	Dierks	Jones	Schellpeper	Wesely
Brashear	Elmer	Klein	Schimek	Will
Bromm	Engel	Landis	Schmitt	Witek
Brown	Fisher	Maurstad	Schrock	Withem
	Hartnett			

Voting in the negative, 0.

Present and not voting, 6:

Kristensen	Matzke	Robak	Robinson	Wickersham
Lynch				

Excused and not voting, 2:

Hudkins	Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1255. With Emergency.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1213 and 2-1226, Reissue Revised Statutes of Nebraska, and section 2-1207.01, Revised Statutes Supplement, 1994; to change provisions relating to distribution of amounts deducted from wagers; to redefine a term; to change a provision relating to simulcasting; 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, 36:

Abboud	Crosby	Hilgert	McKenzie	Stuhr
Avery	Cudaback	Hillman	Pedersen	Warner
Beutler	Dierks	Janssen	Pirsch	Wehrbein
Bohlke	Elmer	Jones	Preister	Wesely
Brashear	Engel	Klein	Schellpeper	Wickersham
Bromm	Fisher	Landis	Schmitt	Will
Brown	Hartnett	Maurstad	Schrock	Withem
Coordsen				

Voting in the negative, 3:

Chambers	Jensen	Witek

Present and not voting, 8:

Bernard-Stevens	Kristensen	Matzke	Robinson	Vrtiska
	Lynch	Robak	Schimek	

Excused and not voting, 2:

Hudkins 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 1263. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1458, 49-1463.01, 49-1467, 49-1469, and 49-1479.01, Reissue Revised Statutes of Nebraska, and section 49-1483.03, Revised Statutes Supplement, 1994; to change reporting requirements; to provide late filing fees for filing late or for failing to file certain statements or reports; 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	Cudaback	Janssen	Pedersen	Stuhr
Avery	Dierks	Jensen	Pirsch	Vrtiska
Beutler	Elmer	Jones	Preister	Warner
Bohlke	Engel	Klein	Robak	Wehrbein
Brashear	Fisher	Landis	Schellpeper	Wesely
Bromm	Hartnett	Matzke	Schimek	Wickersham
Brown	Hilgert	Maurstad	Schmitt	Will
Coordsen	Hillman	McKenzie	Schrock	Withem
Crosby				

Voting in the negative, 2:

Bernard-Stevens	Witek

Present and not voting, 4:

Chambers	Kristensen	Lynch	Robinson

Excused and not voting, 2:

Hudkins 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 1264.

A BILL FOR AN ACT relating to motor vehicles; to provide for Nebraska Cornhusker Spirit Plates; to provide for fees; to create a fund; and to provide for the distribution of proceeds.

Whereupon the 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	Janssen	Pirsch	Vrtiska
Avery	Dierks	Jensen	Preister	Wehrbein
Beutler	Elmer	Klein	Robak	Wesely
Bohlke	Engel	Landis	Robinson	Wickersham
Brashear	Fisher	Matzke	Schellpeper	Will
Bromm	Hartnett	Maurstad	Schmitt	Witek
Brown	Hilgert	McKenzie	Schrock	Withem
Coordsen	Hillman	Pedersen	Stuhr	

Voting in the negative, 4:

Bernard-Stevens	Chambers	Schimek	Warner

Present and not voting, 4:

Cudaback	Jones	Kristensen	Lynch

Excused and not voting, 2:

Hudkins	Lindsay

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

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

LEGISLATIVE BILL 1264A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1264, Ninety-fourth Legislature, Second Session, 1996; and to provide for transfers.

Whereupon the 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	Hillman	Pedersen	Stuhr
Avery	Crosby	Janssen	Pirsch	Warner
Bernard-Stevens	Dierks	Jensen	Preister	Wehrbein
Beutler	Elmer	Klein	Robak	Wesely
Bohlke	Engel	Landis	Robinson	Wickersham
Brashear	Fisher	Matzke	Schellpeper	Will
Bromm	Hartnett	Maurstad	Schmitt	Witek
Brown	Hilgert	McKenzie	Schrock	Withem

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Cudaback	Jones	Kristensen	Lynch	Schimek

Excused and not voting, 3:

Hudkins	Lindsay	Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1290. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4112 and 84-612, Reissue Revised Statutes of Nebraska, and sections 77-4104, 77-4602, and 77-4603, Revised Statutes Supplement, 1994; to change provisions relating to fund transfers and revenue forecasts; to provide duties for the Department of Revenue; to change provisions of the Employment and Investment Growth Act and to provide for applicability of the 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	Avery

Bernard-Stevens	Dierks	Jones	Pedersen	Stuhr
Beutler	Elmer	Klein	Pirsch	Warner
Bohlke	Engel	Kristensen	Preister	Wehrbein
Brashear	Fisher	Landis	Robak	Wesely
Bromm	Hartnett	Lindsay	Schellpeper	Wickersham
Brown	Hilgert	Matzke	Schimek	Will
Coordsen	Hillman	Maurstad	Schmitt	Witek
Crosby	Janssen	McKenzie	Schrock	Withem
	Jensen			

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Cudaback	Lynch	Robinson

Excused and not voting, 2:

Hudkins	Vrtiska

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 634, 750, 901, 952, 1039, 1039A, 1053, 1055, 1055A, 1076, 1076A, 1108, 1108A, 1121, 1155, 1155A, 1174, 1188, 1188A, 1190, 1190A, 1201, 1211, 1211A, 1226, 1226A, and 1230.

MOTION - Return LB 1296 to Select File

Mr. Beutler moved to return LB 1296 to Select File for the following specific amendment:
FA647
Add the following new section:
Section 31 All ambiguities in this act are hereby made clear and those responsible for such ambiguities shall never hereafter amend a Beutler bill.

Mr. Beutler withdrew his motion to return.

Mr. Abboud moved to return LB 1296 to Select File for the following specific amendment:

FA648
Strike the enacting clause.

Mr. Abboud withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1296.

A BILL FOR AN ACT relating to courts; to amend sections 24-312, 24-517, 24-1104, 25-1901, 33-106.03, 42-119, 42-346, 42-348, 42-351, 42-352, 42-357, 42-812, 42-821, 42-822, 43-245, 43-512.17, 43-1743, 43-1803, 43-2904, and 71-615, Reissue Revised Statutes of Nebraska, sections 42-358.08, 42-364, 43-2,113, 43-512.04, and 43-1214.01, Revised Statutes Supplement, 1994, and sections 33-123 and 43-104, Revised Statutes Supplement, 1995; to change consent requirements for a county judge acting as a district judge; to provide precedential status to certain Court of Appeals opinions; to change county court jurisdiction to include concurrent jurisdiction for domestic relations matters; to harmonize provisions; 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, 39:

Abboud	Crosby	Hudkins	Maurstad	Stuhr
Avery	Cudaback	Janssen	McKenzie	Wehrbein
Beutler	Dierks	Jensen	Pedersen	Wesely
Bohlke	Elmer	Klein	Pirsch	Wickersham
Brashear	Engel	Kristensen	Preister	Will
Bromm	Hartnett	Landis	Schellpeper	Witek
Brown	Hilgert	Lindsay	Schmitt	Withem
Coordsen	Hillman	Matzke	Schrock	

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Bernard-Stevens	Fisher	Lynch	Robinson	Warner
	Jones	Robak	Schimek	

Excused and not voting, 1:

Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1322. With Emergency.

A BILL FOR AN ACT relating to money and financing; to amend sections 58-201 to 58-203, 58-207, 58-219, 58-230, 58-239, and 58-239.02, Reissue Revised Statutes of Nebraska; to provide for financing of safe drinking water projects and microenterprises; to provide powers and duties for the Nebraska Investment Finance Authority; to define and redefine terms; to adopt the Nebraska Affordable Housing Act; 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, 37:

Abboud	Crosby	Hudkins	McKenzie	Schmitt
Avery	Cudaback	Janssen	Pedersen	Stuhr
Beutler	Dierks	Jensen	Preister	Warner
Bohlke	Elmer	Jones	Robak	Wehrbein
Brashear	Engel	Landis	Robinson	Wesely
Bromm	Hartnett	Lindsay	Schellpeper	Will
Brown	Hilgert	Matzke	Schimek	Withem
Chambers	Hillman			

Voting in the negative, 5:

Bernard-Stevens	Coordsen	Maurstad	Pirsch	Witek

Present and not voting, 6:

Fisher	Kristensen	Lynch	Schrock	Wickersham
Klein				

Excused and not voting, 1:

Vrtiska

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 1322A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1322, Ninety-fourth Legislature, Second Session, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of 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	Chambers	Hilgert	Lindsay	Schmitt
Avery	Coordsen	Hillman	Matzke	Stuhr
Bernard-Stevens	Crosby	Hudkins	McKenzie	Warner
	Cudaback	Janssen	Pedersen	Wehrbein
Beutler	Dierks	Jensen	Preister	Wesely
Bohlke	Elmer	Jones	Robak	Wickersham
Brashear	Engel	Klein	Schellpeper	Will
Bromm	Hartnett	Landis	Schimek	

Voting in the negative, 2:

Pirsch	Witek

Present and not voting, 8:

Brown	Kristensen	Maurstad	Schrock	Withem
Fisher	Lynch	Robinson		

Excused and not voting, 1:

Vrtiska

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 1362.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 31-727.03 and 31-755, Reissue Revised Statutes of Nebraska, section 13-506, Revised Statutes Supplement, 1994, and sections 13-504, 13-508, 31-739, 77-1613.01, and 77-1701, Revised Statutes

Supplement, 1995; to change provisions relating to budgets, levies, and tax statements; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud	Crosby	Janssen	McKenzie	Stuhr
Avery	Cudaback	Jensen	Pedersen	Warner
Beutler	Dierks	Jones	Pirsch	Wehrbein
Bohlke	Elmer	Klein	Preister	Wesely
Brashear	Engel	Landis	Robak	Wickersham
Bromm	Hartnett	Lindsay	Schellpeper	Will
Brown	Hilgert	Matzke	Schimek	Witek
Chambers	Hillman	Maurstad	Schmitt	Withem
Coordsen	Hudkins			

Voting in the negative, 0.

Present and not voting, 6:

Bernard-Stevens	Fisher	Lynch	Robinson	Schrock
	Kristensen			

Excused and not voting, 1:

Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1368 to Select File

Mr. Chambers moved to return LB 1368 to Select File for the following specific amendment:
FA649
Strike the enacting clause.

Mr. Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1368.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend sections 77-4901, 77-4925, and 77-4927, Revised Statutes Supplement, 1995; to change provisions relating to the wage benefit credit under the act; to provide for an alternative use of the credit; to provide for calculation of the credit; to provide for refunds; 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, 39:

Abboud	Brown	Hudkins	Maurstad	Schrock
Avery	Crosby	Janssen	McKenzie	Stuhr
Bernard-Stevens	Elmer	Jensen	Pedersen	Warner
Beutler	Engel	Klein	Pirsch	Wehrbein
Bohlke	Fisher	Kristensen	Preister	Wickersham
Brashear	Hartnett	Lindsay	Robak	Will
Bromm	Hilgert	Lynch	Robinson	Witek
	Hillman	Matzke	Schimek	Withem

Voting in the negative, 7:

Chambers	Dierks	Schellpeper	Schmitt	Wesely
Cudaback	Landis			

Present and not voting, 2:

Coordsen Jones

Excused and not voting, 1:

Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1373 to Select File

Mr. Preister moved to return LB 1373 to Select File for the following specific amendment:
FA650
Strike the enacting clause.

Mr. Preister withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1373.

A BILL FOR AN ACT relating to revenue and taxation; to create the Review Incentives Program Committee; and to provide powers and duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

Abboud	Coordsen	Hudkins	Maurstad	Schrock
Avery	Crosby	Janssen	McKenzie	Stuhr
Bernard-Stevens	Cudaback	Jensen	Pedersen	Vrtiska
Beutler	Dierks	Jones	Pirsch	Warner
Bohlke	Elmer	Klein	Preister	Wehrbein
Brashear	Engel	Kristensen	Robak	Wesely
Bromm	Fisher	Landis	Robinson	Wickersham
Brown	Hartnett	Lindsay	Schellpeper	Will
Chambers	Hilgert	Lynch	Schimek	Witek
	Hillman	Matzke	Schmitt	Withem

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1373A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1373, Ninety-fourth Legislature, Second Session, 1996.

Whereupon the 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	Brashear	Crosby	Engel	Hillman
Avery	Bromm	Cudaback	Fisher	Hudkins
Beutler	Brown	Dierks	Hartnett	Janssen
Bohlke	Chambers	Elmer	Hilgert	Jones

Klein	Matzke	Preister	Schmitt	Wesely
Kristensen	Maurstad	Robak	Schrock	Wickersham
Landis	McKenzie	Robinson	Stuhr	Will
Lindsay	Pedersen	Schellpeper	Vrtiska	Witek
Lynch	Pirsch	Schimek	Warner	Withem

Voting in the negative, 0.

Present and not voting, 4:

Bernard-Stevens	Coordsen	Jensen	Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1375. With Emergency.

A BILL FOR AN ACT relating to state government; to define terms; to state intent; to prohibit and terminate certain contracts relating to access to public records; to provide duties for the Executive Board of the Legislative Council; to exempt incidental sales of books, maps, pamphlets, brochures, and similar materials as prescribed; to create a task force; to provide duties; to provide severability; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud	Coordsen	Hudkins	McKenzie	Schrock
Avery	Crosby	Janssen	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Jones	Pirsch	Vrtiska
Beutler	Dierks	Klein	Preister	Warner
Bohlke	Elmer	Landis	Robak	Wehrbein
Brashear	Engel	Lindsay	Robinson	Wesely
Bromm	Fisher	Lynch	Schellpeper	Wickersham
Brown	Hartnett	Matzke	Schimek	Will
Chambers	Hilgert	Maurstad	Schmitt	Witek
	Hillman			

Voting in the negative, 1:

Kristensen

Present and not voting, 2:

Jensen 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.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

MR. WILL PRESIDING

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 962: Patricia Kuehl and Dr. Charles Ihle - Nebraska Board of Health; Elaine D'Amato - Child Abuse Prevention Fund Board; and Don Leuenberger - Director, Department of Social Services.

Voting in the affirmative, 35:

Abboud	Coordsen	Hilgert	Maurstad	Schrock
Avery	Crosby	Hudkins	McKenzie	Stuhr
Bernard-Stevens	Cudaback	Janssen	Pedersen	Warner
Beutler	Dierks	Jones	Preister	Wesely
Bohlke	Elmer	Klein	Schellpeper	Wickersham
Bromm	Engel	Landis	Schimek	Witek
Brown	Fisher	Matzke	Schmitt	Withem

Voting in the negative, 0.

Present and not voting, 13:

Brashear	Jensen	Lynch	Robinson	Wehrbein
Hartnett	Kristensen	Pirsch	Vrtiska	Will
Hillman	Lindsay	Robak		

Excused and not voting, 1:

Chambers

These appointments were confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 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 962: Allen Dvorak, M.D., Karen Knortz, Ph.D., and Steven Wooden - Nebraska Board of Health; and Steven Renteria - Foster Care Review Board.

Voting in the affirmative, 32:

Abboud	Crosby	Jensen	Pedersen	Stuhr
Avery	Dierks	Jones	Pirsch	Warner
Beutler	Engel	Klein	Schellpeper	Wesely
Bohlke	Fisher	Lindsay	Schimek	Wickersham
Bromm	Hilgert	Maurstad	Schmitt	Witek
Brown	Hudkins	McKenzie	Schrock	Withem
Coordsen	Janssen			

Voting in the negative, 0.

Present and not voting, 16:

Bernard-Stevens	Elmer	Landis	Preister	Vrtiska
Brashear	Hartnett	Lynch	Robak	Wehrbein
Cudaback	Hillman	Matzke	Robinson	Will
	Kristensen			

Excused and not voting, 1:

Chambers

These appointments were confirmed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mrs. McKenzie moved the adoption of the report of the Education Committee for the following Governor appointment found in the Journal on page 1789: Keith W. Vrbicky, M.D. - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 37:

Abboud	Coordsen	Hillman	Maurstad	Stuhr
Avery	Crosby	Hudkins	McKenzie	Warner
Bernard-Stevens	Cudaback	Janssen	Pirsch	Wehrbein
Bohlke	Dierks	Jensen	Preister	Wesely
Brashear	Engel	Jones	Schellpeper	Wickersham
Bromm	Fisher	Klein	Schimek	Witek
Brown	Hartnett	Lindsay	Schmitt	Withem
	Hilgert	Matzke		

Voting in the negative, 0.

Present and not voting, 11:

Beutler	Landis	Pedersen	Robinson	Vrtiska
Elmer	Lynch	Robak	Schrock	Will
Kristensen				

Excused and not voting, 1:

Chambers

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SPEAKER WITHEM PRESIDING

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 1864: Bob Ide and Christena Buttress - Foster Care Review Board.

Voting in the affirmative, 31:

Abboud	Cudaback	Hilgert	Matzke	Wehrbein
Avery	Dierks	Hillman	Preister	Wesely
Beutler	Elmer	Hudkins	Schimek	Wickersham
Brashear	Engel	Jones	Schmitt	Will
Brown	Fisher	Klein	Stuhr	Witek
Coordsen	Hartnett	Lindsay	Warner	Withem
Crosby				

Voting in the negative, 0.

Present and not voting, 17:

Bernard-Stevens	Janssen	Lynch	Pirsch	Schellpeper
	Jensen	Maurstad	Robak	Schrock
Bohlke	Kristensen	McKenzie	Robinson	Vrtiska
Bromm	Landis	Pedersen		

Excused and not voting, 1:

Chambers

These appointments were confirmed with 31 ayes, 0 nays, 17 present and not voting, and 1 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 1932: Marquis Reed Gilmore - Oil and Gas Conservation Commission.

Voting in the affirmative, 33:

Abboud	Crosby	Hilgert	Matzke	Stuhr
Avery	Cudaback	Hillman	Maurstad	Warner
Beutler	Dierks	Hudkins	McKenzie	Wesely
Bohlke	Elmer	Janssen	Pedersen	Wickersham
Brashear	Engel	Jones	Schimek	Will
Brown	Fisher	Klein	Schmitt	Withem
Coordsen	Hartnett	Lindsay		

Voting in the negative, 0.

Present and not voting, 15:

Bernard-Stevens	Kristensen	Pirsch	Robinson	Vrtiska
Bromm	Landis	Preister	Schellpeper	Wehrbein
Jensen	Lynch	Robak	Schrock	Witek

Excused and not voting, 1:

Chambers

The appointment was confirmed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 1255, 1263, 1264, 1264A, 1290, 1296, 1322, 1322A, 1362, 1368, 1373, 1373A, and 1375.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 108, 299, 1114, and 1177.

(Signed) Eric Will

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 1996, at 4:50 p.m., were the following bills: 634, 750, 901, 952, 1039, 1039A, 1053, 1055, 1055A, 1076, 1076A, 1108, 1108A, 1121, 1155, 1155A, 1174, 1188, 1188A, 1190, 1190A, 1201, 1211, 1211A, 1226, 1226A, and 1230.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PROPOSED RULES CHANGE

Mrs. Stuhr asked unanimous consent to print the following proposed rules change in the Journal. No objections. So ordered.

Amend Rule 3, Sec. 19(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. A motion filed pursuant to this subsection, and prior to a vote on the motion by the Legislature, shall take precedence over final action taken by the committee following such motion. 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.

Referred to the Rules Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative resolution 436.

LR	Committee
436	Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

WITHDRAW - Cointroducer

Mr. Vrtiska withdrew his name as cointroducer to LB 750.

UNANIMOUS CONSENT - Add Cointroducer

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LR 350. No objections. So ordered.

VISITORS

Visitors to the Chamber were 20 juniors, seniors, and teacher from Northeast High School, Lincoln; 10 eighth grade students and teacher from Cedar Canyon, Gering; 22 eighth grade students and teacher from Axtell Community Schools; and 60 fourth grade students and teacher from South Sioux City Elementary.

The Doctor of the Day was Dr. Pumphrey from Lincoln.

ADJOURNMENT

At 5:16 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, April 18, 1996.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTIETH DAY - APRIL 18, 1996

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 1996

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. Kristensen who was excused; and Messrs. Beutler, Chambers, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 1996, at 5:20 p.m., were the following bills: 1255, 1263, 1264, 1264A, 1290, 1296, 1322, 1322A, 1362, 1368, 1373, 1373A, and 1375.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

April 12, 1996

Madam President, Mister Speaker
and Members of the Legislature

State Capitol Bldg.
Lincoln, NE 68509

Dear Madam President and Senators:

Engrossed Legislative Bills 108 and 108A were received in my office on April 11, 1996. I have signed LB 108 and vetoed LB 108A.

LB 108 relies heavily on local control. It places authority in the Natural Resources Districts where it appropriately should be. NRDs currently have the authority to manage groundwater for water quantity and quality reasons, but they have no ability to manage the relationship between groundwater and surface water. LB 108 authorizes districts to manage groundwater in order to protect the quantity or quality of hydrologically connected groundwater and surface water.

An important aspect of LB 108 is that it provides that the State's role in this process is secondary to local control. The Department of Water Resources will serve only as a back-up to the NRDs' authority. Also, until 1999, the State can only serve as the back-up authority in the Republican River Basin. Finally, even if the State were to designate a management area, the applicable natural resources district would still be relied upon to develop the groundwater portion of the action plan.

In developing the appropriate rules relative to LB 108, the Department of Water Resources will be required to utilize negotiated rulemaking. This means that interested individuals and organizations will be given the opportunity to develop appropriate language. I have directed the Department to hold workshops throughout the state in order to gather input on how those rules should be drafted. These workshops will also provide an opportunity for citizens to become more fully informed about LB 108.

The natural resources districts in the Republican River Basin will be required to report to the Legislature with recommendations regarding the implementation of LB 108 prior to December 1, 1998. I will support appropriate recommendations then or even sooner should problems or issues surface prior to that time. Should the need arise, I will revive the Nebraska Water Council in order to make specific legislative recommendations.

I am pleased the Legislature was able to let reason prevail and find a compromise that seeks to protect the natural resources of our great state in the best interests of all concerned. Even LB 108's strongest opponents stated that the bill's latest amendments (AM3613) "greatly improve the bill" and they would, therefore, "not be actively opposing the bill." The passage of this bill would not have been possible without a great deal of effort by a number of individuals and organizations.

I have vetoed LB 108A because it would create three new positions in state government. While LB 108 is an important piece of legislation, I remain committed to keeping government from expanding and am, therefore, unwilling to support the creation of three new positions in the Department of Water Resources.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 12, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 464, 964, 969, 1191, 1265, 496, 754, 754A, 1273, 1273A, 1205, 1391, 323, 323A, 345, 345A, and 463 were received in my office on April 9, 1996; Engrossed Legislative Bills 681, 931, 1069, 1070, 1090, 1104, 1213, 1213A, 1241, 1249, 1268, 1274, 1277, 1306, 575, 948, 604, 642, and 642A were received on April 10, 1996.

These bills were signed by me on April 12, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 12, 1996

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

Dear Madam President and Senators:

I am returning LB 496A with line item reductions.

LB 496A provides funding to implement the Parkinson's Disease Registry Act. The Act will require administrative support from the Department of Health.

A late revision of the Department's fiscal note allows a line-item reduction of the General Fund appropriation for FY1996-97 of $24,140.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1996

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 1189 with line item reductions. The general fund veto amounts in LB 1189 total $15.4 million. A list of the individual vetoes is attached. These line item reductions are in addition to the $0.5 million general funds that have been vetoed in LB's 108A, 256A, 496A and 1085A.

My original recommendations for FY 1996-97 adjustments emphasized increasing the amounts we hold in reserve, returning money to the taxpayers of Nebraska and only adjusting the current budget where it was absolutely necessary. The Legislature has passed general fund spending proposals or revenue loss measures totaling $28.5 million. The problem is that based upon the Legislature's own General Fund Financial Status (see attached), the package of budget items and revenue reductions which you have sent to me falls $3.3 million short of the legally required 3% general fund reserve.

As you know, the Economic Forecasting Board reduced net general fund revenue projections for the current biennium by $25 million at its February 29, 1996, meeting. In addition, actual net general fund receipts for FY 1995-96 are already $12.8 million lower than that revised projection. The Legislature's spending proposals and revenue loss measures combined with actual net general fund receipts that are $12.8 million below projections, put the budget that the Legislature has presented to me $16.2 million in the red. I am required to reduce proposed spending for the remainder of the biennium to ensure a balanced budget and to provide the legally required general fund reserve.

The Legislature has placed $18.2 million in the Cash Reserve Fund for FY 1995-96 and has planned for an additional $3 million to be added in FY 1996-97. You passed LB 1290, the Cash Reserve Stabilization legislation, which provides additional assurance that these monies will remain in the Cash Reserve Fund to protect Nebraska from unforeseen

emergencies. It is prudent planning for State government, as it is for private citizens, to save. I applaud you for recognizing the importance of rebuilding our Cash Reserve Fund.

My vetoes call on state agencies to be frugal and manage anticipated operating expenses within their existing appropriations. Given the circumstances, we simply cannot provide additional funds for many requested increases. These agencies include the Supreme Court, the Department of Education, Department of Aeronautics, and the Historical Society.

I have vetoed the additional $79,685 general funds for automation of the legislative chamber. The Legislative Council is urged to address these costs from the projected ending general fund balance of approximately $750,000 in Program 122.

I have vetoed $500,000 from the budget of the Department of Water Resources for legal costs associated with the water rights lawsuit between Nebraska and Wyoming. Diligence is expected on the part of the Department to contain costs within the $2.2 million that remains in the FY 1996-97 budget after my veto. The adequacy of funding can be addressed again next legislative session if absolutely necessary.

In a number of instances, the Legislature added back to the budget items I vetoed last session. All of these items were in excess of my original budget recommendations. Unfortunately the override actions of the Legislature during the 1995 Legislative Session created obligations without funding to sustain them during FY 1996-97, the second year of the biennium. My line item reductions to LB 1189 minimize the adverse effects on Nebraskans of last year's veto override actions.

A reduction of $3,170,295 General Fund was made in the rate equity funding for providers of services to the developmentally disabled. The Department of Public Institutions will be able to provide a 2% salary adjustment and reimbursement to providers at 75% of rate equity methodology for a second year with the additional $3,170,294 that remains after my veto.

I have reduced $2.0 million of the additional $5.0 million of State General Funds provided to the University of Nebraska. The remaining $3.0 million should be sufficient to allow the University to meet its most pressing financial needs. The University has already received over $37.6 million of additional General Funds for the current FY 1995-97 biennium over its FY 1994-95 appropriation; it should be able to manage its budget through reallocations and by increasing efficiencies rather than with significant tuition and fee increases.

The State Colleges have been reduced similarly, with $31,060 being vetoed and $46,589 remaining for top priorities. The Community

Colleges have been vetoed in the amount of $43,576, with $65,363 remaining.

The Nebraska Educational Telecommunications Commission has likewise been reduced by $14,312, while $21,468 remains for top priorities. For the Scholarship Assistance Program, the State Scholarship Award Program, and the Postsecondary Education Award Program, all student financial aid programs, a total of $82,656 has been reduced, while $123,986 remains for additional financial aid for needy students.

My veto of $300,000 from the appropriation to the Nebraska Resources Development Fund reduces FY 1996-97 funding to the current year level of $2,170,000, maintaining the $200,000 increase over the annual funding from the previous biennium.

Upon reviewing the Legislature's initiative that adds funding for the expansion of juvenile services grants, I am recommending that half of this increase remain in the FY 1996-97 budget in the amount of $636,799. The Office of Juvenile Services is still in the early stages of implementing an array of community-based services. The Legislature's long-term goal of providing statewide services is one that I share, but with only four months of experience I would caution against expanding too rapidly without the proper review and assessment of programs. I remain a strong advocate of a continuum of statewide community-based services for juveniles, but such growth must be orderly and involve the input of our local communities.

I have vetoed $200,000 of the $350,000 included for the Department of Correctional Services to prepare preliminary design documents for a 480-bed medium-minimum secure adult correctional facility. I have asked the Department of Correctional Services to take a much broader approach in the preparation of its program statement to first consider the policy, legal, and program alternatives and then consider construction alternatives to address the increase in the adult prison population. The remaining funds will be more than sufficient to do a program statement.

I have line-item vetoed $15,000 from the Auditor of Public Accounts for FY 1995-96. This veto is made at the suggestion of the State Auditor that Nebraska taxpayers not bear duplicative costs associated with the necessary audit of the distribution of motor fuel tax receipts and other receipts deposited into the Highway Trust Fund.

Finally, I have made some base reductions at the Department of Social Services, the Department of Public Institutions, and the Department of Revenue.

The number of families receiving welfare benefits in Nebraska is declining. Participation rates have dropped significantly in fiscal years 1994, 1995, and the first nine months of 1996. This is good news. It means jobs are available in the Nebraska economy, and families are not having to depend on public assistance to meet their needs. It also means savings of both state and federal money for the taxpayers. We are able to recapture over $2.1 million in General Funds and $3.0 million in Federal Funds from the current year appropriation to the Public Assistance Program at the Department of Social Services.

Because persons on public assistance receive Medicaid services as well, there are also savings in the Medicaid program. Another nearly $2.0 million in General Funds and $2.9 million in Federal Funds are available for savings in Medicaid.

General Funds at the Department of Public Institutions were reduced by $1,075,000 to offset a one-time federal fund windfall from a Medicare rate adjustment. While the Legislature had allowed the Department to use the excess federal funds to continue program increases in the area of outpatient mental health services, I am asking the Department to exercise the discipline of reducing excess capacity for inpatient care in order to fund the growing need for community-based outpatient services. Strategic planning has occurred, and movement in this direction is already underway.

The Department of Revenue has estimated that Homestead Exemption Claims will not reach the level of the current appropriations for that program. While my veto reduces the appropriation for the current program, I am signing LB 1039 and LB 1039A which will allow homestead exemption applicants to deduct medical expenses when applying for this tax relief. LB 1039A appropriates $6.2 million general funds for this purpose.

I appreciate the hard work of the Legislature. You are to be commended for your responsible position on replenishing the Cash Reserve Fund. I urge you to support the vetoes to LB 1189, so that we may provide a responsible level of spending for the remainder of the biennium.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

Attachments

April 10, 1996

Madam President, Mr. Speaker
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 256 and LB 256A with my veto. The bill requires the county and the state to split costs of maintenance and care for those individuals who are judged to be incompetent to stand trial. Currently, the costs for such care are born entirely by the counties.

The bill is intended to provide a decrease in county financial obligations, thus allowing a reduction in the property tax burden. While reducing property tax is certainly a valid intent, it is my opinion that this bill will not accomplish that goal. I believe LB 256 will place an additional burden on state government without the necessary protections in place to allow containment of the incumbent costs. This is not a time when state government can assume expenses over which it has no control.

Senator Hudkins and county representatives have indicated a willingness to work on finding some procedural protections against unreasonable reliance on state facilities. When such protections are ready for implementation, I will be willing to look again at the proposal to provide state assistance for this function.

I would urge you to sustain my veto at this time.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1996

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 1120 without my signature and with my objections. LB 1120 would eliminate the Governor's authority to establish the salary of the Tax Commissioner and would place a fixed amount for that salary in statute. As a director of a code agency, the Department of Revenue, as well as a close advisor to the Governor, it is appropriate for that salary to be established by the Governor.

I urge the members of the Legislature to sustain my veto of this bill.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 106 was received in my office on April 9, 1996; Engrossed Legislative Bills 1248 and 1248A were received on April 10, 1996; and Engrossed Legislative Bills 29, 29A, 33, 465, 634, 901, 952, 1039, 1039A, 1053, 1055, 1055A, 1108, 1108A, 1155, 1155A, 1174, 1188, 1188A, 1190, 1190A, 1226, 1226A, 1230, 1255, 1263, 1264, 1264A, 1290, 1296, 1362, 1368, 1373, 1373A, and 1375 were received on April 11, 1996.

These bills were signed by me on April 15, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 15, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1211 was received in my office on April 11, 1996.

This bill was signed by me on April 15, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 16, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1076, 1076A, 1121, 1201, and 1211A were received in my office on April 11, 1996.

These bills were signed by me on April 16, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 16, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1085 was received in my office on April 10, 1996; and Engrossed Legislative Bills 299, 1114, and 1177 were received on April 11, 1996.

These bills were signed by me on April 16, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 16, 1996

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 1085A without my signature and with my objections. LB 1085 is one of four bills and a proposed

constitutional amendment which comprise the Legislature's 1996 property tax relief package.

Among other provisions, LB 1085 requires that the Natural Resources Commission conduct a study of Nebraska's natural resources districts and make recommendations to the legislature related to several topics including: district boundaries, consolidation possibilities, their revenue base and program delivery. The study findings are to be delivered to the legislature in two parts with the final portion due by September 1 of 1998.

This study is an important part of LB 1085. However, it is my belief that the Natural Resources Commission currently possesses the resources to conduct this study. I am, therefore, returning LB 1085A.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1322 and 1322A were received in my office on April 11, 1996.

These bills were signed by me on April 17, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

April 17, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 750 was received in my office on April 11, 1996.

This bill was signed by me on April 17, 1996, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 96031

DATE: April 12, 1996

SUBJECT: Application of Statutory Amendment to Existing Ethanol Production Credit Agreements

REQUESTED BY: Senator Leland Klein

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

You have requested an Attorney General's Opinion on the validity of AM4268, an amendment to LB 1121. Specifically, you have questioned whether the amendment can constitutionally be applied retroactively to existing ethanol production contracts.

AM4268 to LB 1121 provides that "No credit shall be given on ethanol produced for or sold for use in the production of distilled spirits." Thus, AM4268 places an additional restriction on ethanol producers to qualify for production credits.

This office has addressed nearly identical questions previously. **See** Op. Att'y Gen. No. 95043 (May 30, 1995) and Op. Att'y Gen. No. 80 (April 24, 1981). For the reasons stated in those opinions, we conclude that AM4268 to LB 1121 must be construed to apply only prospectively, and may not be applied retroactively to existing ethanol production credit agreements between ethanol producers and the Nebraska Department of Revenue. The Amendment does not state that it is intended to apply retroactively, and a statute may not operate retroactively where it would impair the obligation of a contract or interfere with a vested right. **State ex rel. Douglas v. Nebraska Mortgage Finance Fund,** 204 Neb. 445, 464, 283 Neb. 2d 12 (1979).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) L. Steven Grasz
Deputy Attorney General

03-52-1

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 17, 1996, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Carstenson, Eric B. - Lincoln	Lincoln Chamber of Commerce (Withdrawn 04/17/96)

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
Nebraska Intergovernmental Data Communications Advisory Council (NIDCAC) Annual Report and One and Five Year Plan (Section 81-2313)

Roads, Department of
Highway Cash Fund and Roads Operation Cash Fund for March 1996 (Section 66-4,144, R.S. Supp. 1994)

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 693.

A BILL FOR AN ACT relating to government; to amend section 77-912, Revised Statutes Supplement, 1994, section 77-1601, Revised Statutes Supplement, 1995, as amended by section 56, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996, and sections 54 and 55, Legislative Bill 1085, Ninety-fourth Legislature, Second Session, 1996; to create a commission; to provide powers and duties; to create a fund; to provide for appropriations and transfer of funds; to change provisions relating to property tax levies; 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, 41:

Abboud	Crosby	Hudkins	Pedersen	Stuhr
Bernard-Stevens	Cudaback	Janssen	Preister	Vrtiska
Beutler	Dierks	Jones	Robak	Warner
Bohlke	Elmer	Klein	Robinson	Wehrbein
Brashear	Engel	Landis	Schellpeper	Wesely
Bromm	Fisher	Lindsay	Schimek	Wickersham
Brown	Hartnett	Lynch	Schmitt	Will
Coordsen	Hilgert	Matzke	Schrock	Withem
	Hillman			

Voting in the negative, 3:

Avery	Pirsch	Witek

Present and not voting, 2:

Jensen	Maurstad

Excused and not voting, 3:

Chambers	Kristensen	McKenzie

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 693.

MOTION - Override Line-Item Veto on LB 1189

The Appropriations Committee moved pursuant to Rule 6, section 14(b), to override the Governor's line-item veto in LB 1189 of a Federal Fund earmark for state aid contained in line 19, section 93, (final reading copy).

Messrs. Matzke, Wesely, and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wehrbein moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Wehrbein requested a roll call vote on the motion to override the line-item veto on LB 1189.

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, 32:

Beutler	Cudaback	Jones	McKenzie	Schrock
Brashear	Elmer	Klein	Pedersen	Stuhr
Bromm	Engel	Landis	Preister	Wehrbein
Brown	Fisher	Lindsay	Robak	Wesely
Chambers	Hillman	Lynch	Robinson	Wickersham
Coordsen	Janssen	Maurstad	Schimek	Will
Crosby	Jensen			

Voting in the negative, 7:

Abboud	Bernard-	Bohlke	Warner	Witek
Avery	Stevens	Pirsch		

Present and not voting, 7:

Dierks	Hilgert	Schellpeper	Vrtiska	Withem
Hartnett	Hudkins			

Excused and not voting, 3:

Kristensen	Matzke	Schmitt

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Wesely and Mrs. Pirsch asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 1189

Mr. Bernard-Stevens moved to override the Governor's line-item vetoes contained in section 101 of LB 1189 (one-half of the expansion of juvenile services grants - $636,799 General Funds; plus $23,606 Federal Funds)

Mr. Beutler 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 19 ayes, 0 nays, and 30 not voting.

Mr. Bernard-Stevens requested a roll call vote on the motion to override the line-item veto on LB 1189.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

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, 9:

Bernard-Stevens	Brashear	Chambers	Hudkins	Maurstad
	Brown	Crosby	Lindsay	Robak

Voting in the negative, 27:

Abboud	Dierks	Janssen	McKenzie	Warner
Avery	Elmer	Jensen	Pedersen	Wehrbein
Beutler	Engel	Jones	Robinson	Wickersham
Bohlke	Fisher	Klein	Schrock	Will
Bromm	Hilgert	Landis	Vrtiska	Witek
Coordsen	Hillman			

Present and not voting, 8:

Cudaback	Lynch	Schellpeper	Stuhr	Withem
Hartnett	Preister	Schimek		

Excused and not voting, 5:

Kristensen	Matzke	Pirsch	Schmitt	Wesely

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.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 1189

Mr. Coordsen moved to override the Governor's line-item veto of legislative chamber automation funding as contained in Section 78.

Mr. Coordsen withdrew his motion.

MOTION - Override Line-Item Veto on LB 1189

Mrs. Crosby moved to override the Governor's line-item vetoes contained in section 94 of LB 1189. (Dept. of Public Institutions, Developmental Disability Aid.)

Mr. Wickersham 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 20 ayes, 0 nays, and 29 not voting.

Mrs. Crosby requested a roll call vote on the motion to override the line-item veto on LB 1189.

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, 13:

Bernard-Stevens	Chambers	Engel	Jones	Robak
Brown	Crosby	Fisher	Lindsay	Stuhr
	Cudaback	Hudkins	Maurstad	

Voting in the negative, 22:

Abboud	Coordsen	Jensen	Pirsch	Wehrbein
Avery	Elmer	Landis	Robinson	Will
Beutler	Hartnett	McKenzie	Vrtiska	Witek
Bohlke	Hilgert	Pedersen	Warner	Withem
Bromm	Hillman			

Present and not voting, 11:

Brashear	Klein	Preister	Schimek	Schrock
Dierks	Lynch	Schellpeper	Schmitt	Wesely
Janssen				

Excused and not voting, 3:

Kristensen	Matzke	Wickersham

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.

The Chair declared the call raised.

MOTION - Override Veto on LB 256

Mrs. Hudkins moved that LB 256 become law notwithstanding the objections of the Governor.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mrs. Hudkins requested a roll call vote on the motion to override the veto on LB 256.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 15:

Abboud	Bromm	Fisher	Janssen	Maurstad
Bernard-Stevens	Crosby	Hartnett	Lindsay	Pirsch
Beutler	Elmer	Hudkins	Lynch	Stuhr

Voting in the negative, 13:

Avery	Coordsen	Landis	Wehrbein	Witek
Bohlke	Hillman	Robak	Will	Withem
Chambers	Klein	Warner		

Present and not voting, 18:

Brashear	Engel	McKenzie	Schellpeper	Schrock
Brown	Hilgert	Pedersen	Schimek	Vrtiska
Cudaback	Jensen	Preister	Schmitt	Wesely
Dierks	Jones	Robinson		

Excused and not voting, 3:

Kristensen	Matzke	Wickersham

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

April 18, 1996

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1189 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r

CERTIFICATE

Legislative Bill 1189, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 93, line 19, Agency 25, Program 365, Department of Public Institutions -- Federal Fund earmark for state aid.

(Signed) Kim Robak
President of the Legislature

UNANIMOUS CONSENT - Member Excused

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

RESOLUTION

LEGISLATIVE RESOLUTION 470. Read. Considered.

LR 470 was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 996. Placed on General File as amended.
Standing Committee amendment to LB 996:
AM4458

1. Insert the following new section:
"Sec. 29. Section 81-1423, Reissue Revised Statutes of Nebraska, is amended to read:
81-1423. The commission shall have authority to:
(1) Adopt and promulgate rules and regulations for its

organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under sections 81-1415 to 81-1426;

(2) Delegate to one or more of its members such powers and duties as it may deem proper;

(3) Coordinate and jointly pursue its activities with the Governor's Policy Research Office;

(4) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(5) Plan improvements in the administration of criminal justice and promote their implementation;

(6) Make or encourage studies of any aspect of the administration of criminal justice;

(7) Conduct research and stimulate research by public and private agencies which shall be designed to improve the administration of criminal justice;

(8) Coordinate activities relating to the administration of criminal justice among agencies of state and local government;

(9) Review and approve plans for jail or correctional facility expansion or construction pursuant to section 17 of this act;

(10) Cooperate with the federal and other state authorities concerning the administration of criminal justice;

~~(10)~~ (11) Accept and administer loans, grants, and donations from the United States, its agencies, the State of Nebraska, its agencies, and from other sources, public and private, for carrying out any of its functions, except that no communications equipment shall be acquired and no approval for acquisition of communications equipment shall be granted without receiving the written approval of the director of the division of communications of the Department of Administrative Services;

~~(11)~~ (12) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under sections 81-1415 to 81-1426 with agencies of state or local government, corporations, or persons;

~~(12)~~ (13) Acquire, hold, and dispose of personal property in the exercise of its powers;

~~(13)~~ (14) Conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information;

~~(14)~~ (15) Do all things necessary to carry out its purposes and for the exercise of the powers granted in sections 81-1415 to 81-1426, except that no activities or transfers or expenditures of funds available to the agency shall be inconsistent with legislative policy as reflected in substantive legislation,

legislative intent legislation, or appropriations legislation;

~~(15)~~ (16) Exercise budgetary and administrative control over the Crime Victim's Reparations Committee and the Jail Standards Board;

~~(16)~~ (17) Appoint and remove for cause the director of the Nebraska Law Enforcement Training Center; and

~~(17)~~ (18) Do all things necessary to carry out sections 81-1843 to 81-1848.".

2. On page 11, line 15, before "Beginning" insert "(1)"; and after line 21 insert the following new subsection:

"(2) After January 1, 1998, no county or group of counties acting under an agreement pursuant to the Interlocal Cooperation Act shall expand an existing jail or correctional facility or construct a new jail or correctional facility until the plans for such expansion or construction have been reviewed and approved by the Nebraska Commission on Law Enforcement and Criminal Justice. The commission shall determine whether, based upon existing data and projected trends, there will be sufficient demand for space to justify such construction and expansion. The commission may recommend the formation of new arrangements of counties or groups of counties pursuant to the Interlocal Cooperation Act to better utilize existing facilities or the proposed expansion or construction. If a new arrangement of counties is formed pursuant to the recommendation of the commission at such time as it reviews a proposal for a jail expansion or construction project, twenty-five percent of the cost of the construction or expansion program as approved by the commission shall be paid by the state to the counties participating in the agreement.".

3. On page 18, line 8, strike "and 47-617" and insert "47-617, and 81-1423".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1356. Placed on General File as amended.
Standing Committee amendment to LB 1356:
AM3419

1. Strike the original sections and insert the following new sections:

"Section 1. Section 18-2109, Reissue Revised Statutes of Nebraska, is amended to read:

18-2109. (1) An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the city in which such area is located has, by resolution adopted after a public hearing with notice provided as specified in section 18-2115, declared such area to be a substandard or blighted area in need of redevelopment and such designation has not been appealed to the Tax Equalization and Review Commission or, following an appeal, has been finally

determined to be valid.

(2) Any payer of property tax of any political subdivision in which is located real property which is declared by the governing body of a city to be (a) substandard or blighted or (b) essential or necessary to the clearance or redevelopment of substandard or blighted land, may appeal the designation to the Tax Equalization and Review Commission pursuant to the Tax Equalization and Review Commission Act. Such appeal shall be filed with the commission within thirty days after the date of the passage by the governing body of the resolution making the designation, or if no prior appeal with regard to the designation of the property has been made to the commission within the past five years, the appeal shall be filed within thirty days after the date of the approval by the governing body of a redevelopment plan or major modification of a redevelopment plan for the real property pursuant to section 18-2116.

Sec. 2. Section 18-2115, Revised Statutes Supplement, 1995, is amended to read:

18-2115. (1) The governing body of the city shall hold a public hearing on any redevelopment plan or substantial modification thereof recommended by the authority, after reasonable public notice thereof by publication at least once a week for two consecutive weeks in a legal newspaper of general circulation in the community, the time of the hearing to be at least ten days from the last publication. The notice shall describe the time, date, place, and purpose of the hearing and shall specifically identify the area to be redeveloped under the plan. All interested parties shall be afforded at such public hearing a reasonable opportunity to express their views respecting the proposed redevelopment plan.

(2) Except as provided in subsection (3) of this section, the governing body of the city or such other division of the city or person as the governing body shall designate shall, at least ten days prior to the public hearing required by subsection (1) of this section, mail notice of the hearing by first-class United States mail, postage prepaid, or by certified mail to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be redeveloped and to the president or chairperson of the governing body of each county, township, school district, and other political subdivision in which the real property subject to such plan or major modification is located and whose property tax receipts would be directly affected. The notice shall set out the time, date, place, and purpose of the hearing and shall include a map of sufficient size to show the area to be redeveloped.

(3) If the planning board or planning commission of the city will conduct a public hearing on the redevelopment plan or substantial modification thereof, the governing body of the city or such other division of the city or person as the governing body shall designate shall, at least ten days prior to the public

hearing, mail notice of the hearing by first-class United States mail, postage prepaid, or by certified mail to all registered neighborhood associations whose area of representation is located in whole or in part within a one-mile radius of the area to be redeveloped and to the president or chairperson of the governing body of each county, township, school district, and other political subdivision in which the real property subject to such plan or major modification is located and whose property tax receipts would be directly affected. The notice shall set out the time, date, place, and purpose of the hearing and shall include a map of sufficient size to show the area to be redeveloped. If the registered neighborhood association has been given notice of the public hearing to be held by the planning board or planning commission in conformity with the provisions of this subsection, the governing body or its designee shall not be required to comply with the notice requirements of subsection (2) of this section.

(4) Each neighborhood association desiring to receive notice of any hearing as provided in this section shall register with the city's planning department or, if there is no planning department, with the city clerk. The registration shall include a description of the area of representation of the association and the name and address of the individual designated by the association to receive the notice on its behalf. Registration of the neighborhood association for the purposes of this section shall be accomplished in accordance with such other rules and regulations as may be adopted and promulgated by the city.

Sec. 3. Section 18-2123, Reissue Revised Statutes of Nebraska, is amended to read:

18-2123. Upon a determination, by resolution, of the governing body of the city in which such land is located following a public hearing with notice as provided in section 18-2115, that the acquisition and development of undeveloped vacant land, not within a substandard or blighted area, is essential to the proper clearance or redevelopment of substandard or blighted areas, ~~or a necessary part of the general community redevelopment program of the city,~~ or that the acquisition and development of land ~~outside the city, but~~ within a radius of three miles thereof, is necessary ~~or convenient~~ to the proper clearance or redevelopment of one or more substandard or blighted areas within the city, ~~or is a necessary adjunct to the general community redevelopment program of the city,~~ the acquisition, planning, and preparation for development or disposal of such land shall constitute a redevelopment project which may be undertaken by the authority in the manner provided in the ~~foregoing sections~~ Community Development Law.

Sec. 4. Section 77-5007, Revised Statutes Supplement, 1995, is amended to read:

77-5007. The commission has the power and duty to hear

and determine appeals of:

(1) Decisions of any county board of equalization equalizing the value of individual tracts, lots, or parcels of real property so that all real property is assessed uniformly and proportionately;

(2) Decisions of any county board of equalization granting or denying tax-exempt status for real or personal property;

(3) Decisions of the Property Tax Administrator determining the taxable property of a railroad company, car company, public service entity, or air carrier within the state;

(4) Decisions of any county board of equalization on the valuation of personal property or any penalties imposed under section 77-1233.04;

(5) Decisions of any county board of equalization of claims that a levy is or is not for an unlawful or unnecessary purpose or in excess of the requirements of the county;

(6) Decisions of any county board of equalization granting or rejecting an application for a homestead exemption;

(7) Any other decision of any county board of equalization;

(8) Decisions of the governing body of a city designating real property as substandard or blighted or as essential or necessary to the clearance or redevelopment of substandard or blighted land pursuant to the Community Development Law; and

~~(8)~~ (9) Claims for refunds of property taxes alleged to be illegal, unconstitutional, or the result of clerical error, misunderstanding, or mistake.

Sec. 5. Section 77-5014, Revised Statutes Supplement, 1995, is amended to read:

77-5014. In cases involving appeals of decisions by a county board of equalization, the governing body of a city under the Community Development Law, or the Property Tax Administrator, the commission shall take evidence and otherwise conduct the appeal as provided in sections 77-5015 to 77-5019.

Sec. 6. Original sections 18-2109 and 18-2123, Reissue Revised Statutes of Nebraska, and sections 18-2115, 77-5007, and 77-5014, Revised Statutes Supplement, 1995, are repealed.".

LEGISLATIVE BILL 717. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1996, at 9:30 a.m., was the following bill: 693.

(Signed) Rosie Ziems

Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 38 fourth grade students and teachers from Milford Elementary; 10 seniors and sponsor from Wheeler Central, Bartlett; 25 fourth grade students and teacher from Weeping Water Elementary; 40 fourth grade students and teachers from Seymour Elementary, Ralston; students and sponsors from Columbus Middle School; 9 seventh and eighth grade students and teacher from Gold Plains Christian School, Grant; 4 second through sixth grade students and teacher from District 6, Pierce; 22 fourth grade students and teacher from Wood River; 10 seventh and eighth grade students and teacher from Mt. Calvary Lutheran, Omaha; members of the Nebraska Chapter of World Organization of China Painters; Brother and Sister Bangertor and other musicians from the Church of Latterday Saints; and Senator Lindsay's brother-in-law and nephew, Derek and Matthew Ford.

RECESS

At 11:55 a.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 Mr. Kristensen who was excused; and Messrs. Abboud, Chambers, Dierks, Fisher, Hartnett, Jones, Lynch, Preister, Warner, Will, Mmes. Bohlke, Hillman, and McKenzie who were excused until they arrive.

MOTION - Approve Appointments

Mrs. Pirsch moved the adoption of the report of the Transportation Committee for the following Governor appointments found in the Journal on page 2018: Paula Wolfson-Kessler and Charles Grimsley - NE Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 28:

Bernard-Stevens	Crosby	Hudkins	Lindsay	Robinson
Beutler	Cudaback	Janssen	Matzke	Schellpeper
Bromm	Elmer	Jensen	Pedersen	Schimek
Brown	Engel	Klein	Pirsch	Schmitt
	Hilgert	Landis	Robak	Stuhr

Wehrbein	Wesely	Wickersham	Withem

Voting in the negative, 0.

Present and not voting, 7:

Avery	Coordsen	Schrock	Vrtiska	Witek
Brashear	Maurstad			

Excused and not voting, 14:

Abboud	Dierks	Hillman	Lynch	Warner
Bohlke	Fisher	Jones	McKenzie	Will
Chambers	Hartnett	Kristensen	Preister	

These appointments were confirmed with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

PRESIDENT ROBAK PRESIDING

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 2058: Phyllis J. Johnson and Dr. Jerry W. Zenor - Commission for the Hearing Impaired; Gary J. Pavel, Alice M. Kindschuh, Dr. Bob Rhodes, Diane Schlotman, Dr. Margaret Cavanaugh-Boyer, and Michael J. Steckler - Rural Health Advisory Commission; and Connie J. Day and Gary Bieganski - State Board of Health.

Voting in the affirmative, 30:

Avery	Elmer	Jensen	Maurstad	Schmitt
Bernard-Stevens	Engel	Jones	Pedersen	Schrock
Beutler	Hartnett	Klein	Pirsch	Stuhr
Bromm	Hilgert	Landis	Preister	Vrtiska
Brown	Hudkins	Lindsay	Robinson	Wehrbein
Crosby	Janssen	Matzke	Schimek	Wesely

Voting in the negative, 0.

Present and not voting, 9:

Brashear	Cudaback	Robak	Wickersham	Withem
Coordsen	Hillman	Schellpeper	Witek	

Excused and not voting, 10:

Abboud	Bohlke	Chambers	Dierks	Fisher

Kristensen Lynch McKenzie Warner Will

These appointments were confirmed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 473. Introduced by Bromm, 23.

WHEREAS, David City Aquinas High School won the 1996 Class C State Team Title in Speech; and

WHEREAS, David City Aquinas scored a combined ninety points to easily outdistance the sixty-two points scored by the second-place team; and

WHEREAS, David City Aquinas High School has not had a speech team in nearly twenty years; and

WHEREAS, Shari Johnson worked long hours to organize and coach the team both before and after school; and

WHEREAS, Janel Hain anchored the win with a first-place finish in persuasive speaking; and

WHEREAS, Daniel Brabec placed second in both poetry and informative speaking; and

WHEREAS, Joanie Dobesh placed fifth in informative speaking; and

WHEREAS, James Andrews placed fifth in extemporaneous speaking; and

WHEREAS, Robin Messing placed sixth in humorous prose; and

WHEREAS, Melissa McDonald competed in serious prose, Jessica Betzen in entertainment, Jayne Kovar and Mike Moravec in duet acting; and Aaron Lyons, Joanie Dobesh, Kim Stara, and Danny Metzner in drama; and

WHEREAS, All members of the team were instrumental in attaining the state championship.

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

1. The Legislature recognizes and congratulates the David City Aquinas Speech Team and their coach, Shari Johnson, for their talent, dedication, work ethic, personal sacrifice, and professional representation of David City Aquinas High School.

2. That a copy of this resolution be sent to David City Aquinas High School.

LEGISLATIVE RESOLUTION 474. Introduced by Judiciary Committee: Lindsay, 9, Chairperson; Abboud, 12; Bernard-Stevens, 42; Chambers, 11; Fisher, 35; Hudkins, 21; Pedersen, 39; Robak, 22.

PURPOSE: The purpose of this resolution is to systematically examine the effect that the existing court structure has on the satisfactory delivery of judicial services and the efficient use of judicial resources.

The study shall include, among other items, an examination of the feasibility and advisability of a unified trial court, a family court system, and district juvenile courts. Emerging technologies shall also be examined for their effect on court structures and the delivery of judicial services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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 475. Introduced by Stuhr, 24.

WHEREAS, the Bradshaw Public School's Future Business Leaders of America (FBLA) members won thirty state awards in the 1996 Nebraska competition; and

WHEREAS, the Bradshaw Public School, a Class D-2 school, is the smallest school in Nebraska to compete in the FBLA state conference; and

WHEREAS, Bradshaw's FBLA club has competed in the national competition for twelve consecutive years; and

WHEREAS, Bradshaw's FBLA club has won first place nationally in accounting for six years; and

WHEREAS, the team members, as well as Business Instructor Ken Schultz, deserve special recognition for the teamwork, knowledge, and keen business sense they have displayed throughout the year which has contributed to the team's success; and

WHEREAS, they will be competing at the National FBLA Conference in Washington, D.C., from July 6 to July 12, 1996.

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

1. That the Legislature recognizes and congratulates the members of the Bradshaw Public School's Future Business Leaders of America and their advisor, Ken Schultz.

2. That a copy of this resolution be sent to the Bradshaw Public School's Future Business Leaders of America Club and their advisor, Ken Schultz.

LEGISLATIVE RESOLUTION 476. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Klein, 19; Matzke, 47; Pirsch, 10; Schimek, 27.

PURPOSE: To examine ways that Nebraska employers and human services and educational systems can provide support to Nebraska families. Labor Department research shows that at least fifty-seven percent of women with children under the age of six years work outside the home, compared with twelve percent in 1950. By the end of the century, about two-thirds of new workers are expected to be women. Nebraska has one of the highest percentages of working women. At least sixty-one percent of women are in the workforce, and more than eighty-two percent of these women have children under the age of eighteen and seventy-one percent have children under the age of six. In addition, forty percent of workers expect to be responsible for their aging parents in the next five years.

This study will examine how Nebraska's businesses, health and human service system, and school systems can better accommodate the needs of working people with children or elderly relatives. The study will examine ways for businesses, schools, and social service agencies to support employees in their efforts to balance their work and family lives. The study will also examine ways Nebraska can provide services to children who may not require child care but who require or would benefit from supervision.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FOURTH 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.

MOTION - Suspend Rules

Mr. Bromm moved to suspend the rules, Rule 4, Section 6, to permit consideration of LR 473 and LR 475.

The Bromm motion to suspend the rules prevailed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 473. Read. Considered.

LR 473 was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 475. Read. Considered.

LR 475 was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative resolutions 472, 474, and 476.

LR	Committee
472	Urban Affairs
474	Judiciary
476	Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

April 18, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 693 was received in my office on April 18, 1996.

This bill was signed by me on April 18, 1996, and delivered to the Secretary of State.

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: LRs 470, 473, and 475.

MOTION - Notify Governor

Mr. Hilgert moved that a committee of five be appointed to notify the Governor that the Ninety-Fourth 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 motion prevailed.

The Chair appointed Mrs. Hillman, Messrs. Lindsay, Bernard-Stevens, Janssen, and Dierks 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. Klein 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. Lindsay 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 60 fourth grade students and teacher from Engleman Elementary, Grand Island.

MOTION - Adjourn Sine Die

Mr. Bernard-Stevens moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Fourth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 2:42 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

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LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-FOURTH LEGISLATURE
SECOND SESSION

COMMUNICATION

April 22, 1996

The Honorable Scott Moore
Secretary of State
2300 State Capitol Bldg.
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson on LB 496A and LB 847A, I am delivering the bills for filing in the form and amounts as approved by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

MESSAGE FROM THE SECRETARY OF STATE

April 22, 1996

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge I have received on April 18, 1996, LB 1189, your cover letter dated April 18, 1996, and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 1189, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by constitutional majority has overridden said line-item vetoes, as follows:

Section 98, Agency 25, Department of Public Institutions--Program 365 Mental Health 1,650,690 Federal Funds estimate for state aid for FY 96-97.

Furthermore, I hereby acknowledge that LB 1189, cover letter, certificate, and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

STATE OF NEBRASKA

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

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 1189, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes for FY 1996-97 only, as follows:

Section 98, Agency 25, Department of Public Institutions--Program 365 Mental Health 1,650,690 Federal Funds estimate for state aid for FY 96-97.

Further, I hereby certify that LB 1189 was filed in the office of the Secretary of State on April 18, 1996, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

NOTHING FURTHER IS CERTIFIED

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

Done at Lincoln this Twenty-third day of April in the year of our Lord, one thousand nine hundred and ninety-six.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

April 22, 1996

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge I received on April 22, 1996, LB 496A and LB 847A, and your cover letter dated April 22, 1996. The bills were received with the signature of Governor E. Benjamin Nelson but with a line-item reduction.

I hereby acknowledge that LB 496A and LB 847A, cover letter, certificate, and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,
(Signed) Scott Moore
Secretary of State

REPORTS

The following reports were received by the Legislature:

Retirement Systems, Nebraska Public Employees
School Retirement System Actuarial Valuation Report
State Patrolmen's Retirement System Actuarial Valuation Report
Judges' Retirement System Actuarial Valuation Report

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-Fourth Legislature, Second Session, and other correspondence.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

April 23, 1996
Lincoln, Nebraska

INDEXES FOR

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NINETY-FOURTH LEGISLATURE

SECOND SESSION

1996

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-96

2116

CHRONOLOGY OF BILLS

NINETY-FOURTH LEGISLATURE
SECOND SESSION
1996

LEGISLATIVE BILL 18. By Chambers

Jan.	3	Title	3
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 29. By Warner, at the request of the Governor

Jan.	3	Title	3
Jan.	9	Placed on General File	356
Jan.	31	Warner AM2919 printed	666
Mar.	14	Warner AM3782 printed	1267
Mar.	20	Lindsay AM3820 printed	1383
Apr.	1	Warner pending AM2919 p. 666 adopted as amended by Warner pending AM3782 p. 1267. Lindsay pending AM3820 p. 1383 lost. Advanced for Review	1729
Apr.	2	Placed on Select File - AM7292	1786
Apr.	2	Hilgert AM4308 to AM7292 printed	1813
Apr.	3	AM7292 (E & R) adopted. Hilgert pending AM4308 p. 1813 withdrawn. Advanced for Engrossment	1856
Apr.	9	Correctly Engrossed	1911
Apr.	11	Warner motion to return to Select File for FA643 withdrawn	2025
Apr.	11	Final Reading w/E 42-1-6	2026
Apr.	11	Speaker signed	2037
Apr.	11	Presented to Governor (4/11)	2059
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 29A. By Wehrbein

Jan.	16	Read first time. Placed on General File	428
Apr.	1	Advanced for Review	1730
Apr.	2	Placed on Select File	1789
Apr.	3	Advanced for Engrossment	1856
Apr.	9	Correctly Engrossed	1911
Apr.	11	Final Reading w/E 44-0-5	2026
Apr.	11	Speaker signed	2037

Apr. 11 Presented to Governor (4/11) 2059
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 33. By Warner

Jan. 3 Title 3
Jan. 9 Warner AM2754 printed 357
Mar. 20 Warner pending AM2754 p. 357 adopted. Advanced for Review 1385
Mar. 20 Wehrbein AM3585 printed 1390
Mar. 22 Placed on Select File - AM7249 1470
Apr. 9 Wehrbein pending AM3585 p. 1390 adopted. Advanced for Engrossment 1938
Apr. 9 Correctly Engrossed 1951
Apr. 11 Final Reading w/E 44-0-5 2027
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 35. By Crosby

Jan. 3 Title 3
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 38. By Coordsen, Bromm

Jan. 3 Title 3
Jan. 5 Hartnett name added 268
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 38 amended into LB 901 by AM3071)

LEGISLATIVE BILL 43. By Wickersham

Jan. 3 Title 4
Feb. 8 Committee AM0064 p. 622, First Session, adopted. Kristensen pending AM0742 p. 1109, First Session, withdrawn. Advanced for Review 743
Feb. 13 Placed on Select File - AM7186 (printed separate) 782
Mar. 6 Wickersham-Beutler AM3558 printed 1062
Mar. 7 AM7186 (E & R) adopted. Wickersham-Beutler pending AM3558 p. 1062 adopted. Advanced for Engrossment 1086
Mar. 13 Correctly Engrossed. ER9132 change 1241
Apr. 3 Final Reading 44-0-5 1830
Apr. 3 Speaker signed 1842
Apr. 3 Presented to Governor (4/3) 1845
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 44. By Schellpeper, Wickersham

Jan. 3 Title 4
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 45. By Schellpeper

Jan. 3 Title 4
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 46. By Schimek

Jan. 3 Title 4
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 47. By Schimek

Jan. 3 Title 4
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 50. By Coordsen

Jan. 3 Title 4
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 55. By Kristensen

Jan. 3 Title 4
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 56. By Kristensen

Jan. 3 Title 5
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 57. By Hudkins

Jan. 3 Title 5
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 58. By Hudkins

Jan. 3 Title 5
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 60. By Schmitt

Jan. 3 Title 5
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 62. By Schmitt

Jan. 3 Title 5
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 63. By Schmitt

Jan. 3 Title 5
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 67. By Wickersham

Jan. 3 Title 5
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 78. By Day

Jan. 3 Title 5
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 81. By Cudaback, Dierks, Schellpeper, Avery, Wickersham

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 88. By Hillman, Schmitt

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 90. By Bromm

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 91. By Bromm

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 98. By Fisher

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 98 amended into LB 584 by AM1189)

LEGISLATIVE BILL 100. By Wickersham, Elmer, Hillman, Matzke, Schrock

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 101. By Dierks, Coordsen

Jan. 3 Title 6
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 103. By Dierks, Preister, at the request of the Governor

Jan. 3 Title 7
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 105. By Agriculture Committee

Jan. 3 Title 7
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 105A. By Dierks

Jan. 3 Title 7
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 106. By Dierks, Jones, Schellpeper, Vrtiska

Jan. 3 Title 7
Jan. 24 Advanced for Engrossment 576
Jan. 24 Bohlke explanation of vote 581
Jan. 26 Correctly Engrossed. ER9108 change 630
Feb. 1 Lynch AM2904 printed 670
Apr. 9 Withem motion to return to Select File for FA182 p. 1929, First Session, withdrawn. Lynch motion to return to Select File for AM2904 p. 670 withdrawn. Dierks motion to return to Select File for FA638 withdrawn. Bernard-Stevens motion to return to Select File for FA639 withdrawn. Final Reading 31-13-5 1959
Apr. 9 President signed 1978
Apr. 10 Correction 1979
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 108. By Natural Resources Committee

Jan.	3	Title	7
Jan.	9	Beutler priority bill	356
Mar.	11	Klein AM3708 to committee AM3613 printed	1160
Mar.	12	Placed on General File - Com AM3613 (printed separate)	1177
Mar.	12	Wickersham AM3686 to committee AM3613 printed	1179
Mar.	12	Executive Board approval of Speaker major proposal	1211
Mar.	13	Klein pending AM3708 p. 1160 and Brashear AM3780 withdrawn. Dierks AM3771 lost	1230
Mar.	13	Dierks AM3745 lost. Dierks AM3746 to committee AM3613 pending	1238
Mar.	13	Dierks AM3743 to committee AM3613 printed	1243
Mar.	13	Dierks AM3742 to committee AM3613 printed	1244
Mar.	19	Hudkins FA548, FA549, FA550, and FA551 to committee AM3613 printed	1294
Mar.	19	Dierks FA552 and FA553 to committee AM3613 printed	1296
Mar.	19	Dierks FA554, FA555, FA556, and FA557 to committee AM3613 printed	1297
Mar.	20	Beutler motion to suspend rules and vote without amendment/debate laid over	1380
Mar.	21	Dierks pending AM3746 p. 1239, Hudkins pending FA548, FA549, FA550, and FA551 p. 1294 withdrawn. Dierks pending AM3743 p. 1243 lost. Hudkins AM3990 and Dierks pending FA552 p. 1296 to committee AM3613 adopted. Pending	1395
Mar.	26	Dierks pending FA553 p. 1296 lost. Dierks pending FA554 p. 1297 pending	1520
Mar.	26	Dierks pending FA554 and FA555 p. 1297 lost. Beutler motion to invoke cloture prevailed. Committee AM3613 adopted as amended. Advanced for Review	1529
Mar.	26	Wickersham AM3685 printed	1538
Mar.	28	Expedited	1646
Mar.	28	Placed on Select File - AM7271	1663
Apr.	2	Klein AM4306 printed	1765
Apr.	2	McKenzie AM4299 to AM3708 printed	1771
Apr.	2	Dierks AM4179 printed	1790
Apr.	2	McKenzie-Bohlke AM4336 printed	1814
Apr.	2	McKenzie-Bohlke AM4310 printed	1815
Apr.	3	AM7271 (E & R) adopted. Klein reoffered AM3708 p. 1160 ruled germane and withdrawn. Beutler AM4314 adopted. Pending	1865
Apr.	3	Wickersham pending AM3686 p. 1179, Dierks pending AM3742 p. 1244, FA556 and FA557 p. 1297, AM4179 p. 1790, Wickersham pending AM3685 p. 1538, Klein pending AM4306	

p. 1765, McKenzie pending AM4299 p. 1771, McKenzie-Bohlke pending AM4336 p. 1814, and AM4310 p. 1815 withdrawn. McKenzie-Bohlke-Dierks-Jones-Wickersham-Bromm-Elmer AM4395 adopted. Beutler pending motion to suspend rules p. 1380 withdrawn.
Advanced for Engrossment 1868
Apr. 9 Correctly Engrossed. ER9176 change 1911
Apr. 11 Dierks motion to return to Select File for FA644 withdrawn. Final Reading 36-10-3 2022
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 11 Will explanation of vote 2078
Apr. 18 Approved by Governor (4/12) 2081

LEGISLATIVE BILL 108A. By Beutler

Mar. 27 Read first time. Placed on General File 1598
Mar. 28 Advanced for Review 1651
Apr. 1 Placed on Select File 1714
Apr. 3 Advanced for Engrossment 1870
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 37-7-5 2023
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 18 Returned by Governor without approval (4/12) 2081

LEGISLATIVE BILL 110. By Crosby

Jan. 3 Title 7
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 114. By Coordsen, Avery

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 116. By Bernard-Stevens

Jan. 3 Title 8
Jan. 4 Maurstad name added 243
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 121. By Preister, Dierks, Robinson, Vrtiska

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 126. By Hudkins, Kristensen

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 129. By Hudkins

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 130. By Wickersham, Pedersen

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 130A. By Wickersham

Jan. 3 Title 8
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 131. By Lynch

Jan. 3 Title 8
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 132. By Robak, Crosby, Hillman

Jan. 3 Title 9
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 139. By Coordsen, Cudaback, Dierks, Jones, McKenzie, Schmitt, Vrtiska

Jan. 3 Title 9
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 142. By Beutler

Jan. 3 Title 9
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 143. By Beutler

Jan. 3 Title 9
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 148. By Lynch, Bohlke, Janssen

Jan. 3 Title 9
Jan. 4 Bernard-Stevens FA372 to committee AM0744

printed. Bernard-Stevens motion to indefinitely postpone printed 204
Jan. 4 Bernard-Stevens motion to refer bill back to committee printed 205
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 148A. By Lynch

Jan. 3 Title 9
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 149. By Lynch, Bohlke, Coordsen, Crosby, Hartnett, Hudkins, Robak, Stuhr

Jan. 3 Title 9
Mar. 7 Hudkins name withdrawn 1128
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 150. By Crosby, Hudkins, Jones, Preister, Vrtiska, Wehrbein

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 151. By Hudkins, Crosby, Vrtiska

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 156. By Cudaback

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 157. By Cudaback, Bromm, Jones, Robinson, Schrock, Vrtiska, Stuhr

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 166. By Withem, Avery, Bernard-Stevens, Preister, Robinson, Schmitt, Hartnett

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 168. By Jones, Bromm, Coordsen, Cudaback, Day, Dierks, Hudkins, Jensen, McKenzie, Schrock, Vrtiska, Wehrbein

Jan. 3 Title 10
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 170. By Jones, Dierks, Robak, Schmitt, Wickersham

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 174. By Wesely

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 174A. By Wesely

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 176. By Beutler

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 180. By Warner

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 181. By Warner

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 183. By Warner

Jan. 3 Title 11
Feb. 12 Placed on General File - Com AM3099 759
Feb. 21 Revenue Committee priority bill 866
Mar. 11 Klein amendments (on file) printed: AM3688, AM3689, AM3690, AM3691, AM3692, AM3693, AM3694, AM3695, AM3696, AM3697, AM3698, AM3699, AM3700, AM3701, AM3702, AM3703, AM3704, AM3705, AM3706, and AM3707 1161
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 191. By Robak

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 195. By Maurstad, Vrtiska

Jan. 3 Title 11
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 198. By Wehrbein, Coordsen

Jan. 3 Title 12
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 198 amended into LB 584 by AM1189)

LEGISLATIVE BILL 201. By Hudkins, Crosby, Vrtiska

Jan. 3 Title 12
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 203. By Matzke

Jan. 3 Title 12
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 206. By Janssen, Bromm, Cudaback, Robinson, Schellpeper, Vrtiska

Jan. 3 Title 12
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 209. By Hudkins

Jan. 3 Title 12
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 210. By Lynch, Kristensen

Jan. 3 Title 12
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 211. By Warner, McKenzie

Jan. 3 Title 13
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 212. By Wickersham, Janssen, Schimek

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 212 amended into LB 1085 by AM3649)

LEGISLATIVE BILL 216. By Hall, Chambers, Will

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 217. By Hall, Will

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 218. By Hall, Will

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 219. By Hall, Will

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 220. By Hall, Abboud

Jan. 3 Title 13
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 224. By Hall, Will

Jan. 3 Title 13
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 225. By Hall, Will

Jan. 3 Title 14
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 229. By Dierks, Coordsen, Hudkins, Jones, McKenzie, Schmitt, Stuhr, Wickersham

Jan. 3 Title 14
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 230. By Elmer

Jan. 3 Title 14
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 231. By Lindsay

Jan. 3 Title 14
Mar. 19 Lindsay AM3546 to committee AM0434 printed 1303
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 233. By Lindsay

Jan. 3 Title 14
Mar. 20 Advanced for Review 1327
Mar. 25 Placed on Select File - AM7259 1479
Mar. 26 AM7259 (E & R) adopted.
Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705
Apr. 4 Final Reading 34-0-15 1876
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 4 Avery explanation of vote 1891
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 233A. By Lindsay

Mar. 19 Read first time. Placed on General File 1286
Mar. 20 Advanced for Review 1327
Mar. 25 Placed on Select File 1479
Mar. 26 Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705
Apr. 4 Final Reading 36-0-13 1877
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 234. By Lindsay

Jan. 3 Title 14
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 236. By Beutler

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 237. By Beutler

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 238. By Beutler

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 242. By Crosby, Hudkins, Landis

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 245. By Crosby

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 246. By Schmitt, Elmer, Hall, Robak, Wickersham, Schellpeper, Will

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 247. By Dierks, Matzke

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 249. By Coordsen

Jan. 3 Title 15
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 253. By Day

Jan. 3 Title 16
Jan. 3 Maurstad name added 202
Mar. 7 Committee AM0189 p. 614, First Session, adopted. Advanced for Review 1088
Mar. 13 Placed on Select File - AM7233 1225
Mar. 14 AM7233 (E & R) adopted. Advanced for Engrossment 1249
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 44-0-5 1625
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 253A. By Day

Jan. 3 Title 16
Jan. 4 Maurstad name added 231

Mar. 7 Advanced for Review 1088
Mar. 13 Placed on Select File - AM7234 1225
Mar. 13 Maurstad AM3711 printed 1242
Mar. 14 AM7234 (E & R) adopted. Maurstad pending AM3711 p. 1242 adopted. Advanced for Engrossment 1249
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 46-0-3 1626
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 256. By Hudkins, Beutler, Crosby, Cudaback, Hartnett, Vrtiska

Jan. 3 Title 16
Jan. 8 Hudkins priority bill 293
Jan. 26 Committee AM1990 p. 1995, First Session, adopted. Beutler AM2932 withdrawn. Advanced for Review 627
Jan. 30 Placed on Select File - AM7180 652
Feb. 7 AM7180 (E & R) adopted. Hudkins AM2983 adopted. Beutler AM3073 withdrawn. Advanced for Engrossment 734
Feb. 12 Correctly Engrossed. ER9116 change 757
Mar. 19 Hudkins AM3857 printed 1294
Apr. 1 Hudkins AM4195 printed 1706
Apr. 3 Hudkins pending AM3857 p. 1294 withdrawn. Returned to Select File for Hudkins amendment. Hudkins pending AM4195 p. 1706 adopted. Advanced for Reengrossment 1827
Apr. 4 Correctly Reengrossed 1900
Apr. 10 Final Reading 43-0-6 1993
Apr. 10 Wickersham explanation of vote 2009
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Returned by Governor without approval (4/10) 2087
Apr. 18 Hudkins motion to override veto failed 15-13-21 2097

LEGISLATIVE BILL 256A. By Hudkins

Jan. 17 Read first time. Placed on General File 459
Jan. 26 Advanced for Review 627
Jan. 30 Placed on Select File 653
Feb. 7 Passed over 735
Feb. 21 Hudkins AM3233 printed 866
Feb. 22 Hudkins pending AM3233 p. 866 adopted.

Advanced for Engrossment 872
Feb. 27 Correctly Engrossed 952
Apr. 1 Hudkins AM4258 printed 1706
Apr. 3 Returned to Select File for Hudkins amendment. Hudkins pending AM4258 p. 1706 adopted. Advanced for Reengrossment 1827
Apr. 4 Correctly Reengrossed 1900
Apr. 10 Final Reading 42-0-7 1994
Apr. 10 Wickersham explanation of vote 2009
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Returned by Governor without approval (4/10) 2087

LEGISLATIVE BILL 258. By Wickersham, Landis

Jan. 3 Title 16
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 258 amended into LB 584 by AM1189)

LEGISLATIVE BILL 261. By Lindsay

Jan. 3 Title 16
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 263. By Warner, Bernard-Stevens, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Engel, Hillman, Jones, Kristensen, Lynch, Schellpeper, Schmitt, Schrock, Vrtiska, Wickersham

Jan. 3 Title 16
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 267. By Schellpeper, Dierks

Jan. 3 Title 16
Feb. 27 Indefinitely postponed 929

LEGISLATIVE BILL 269. By Lindsay

Jan. 3 Title 17
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 272. By Matzke

Jan. 3 Title 17
Feb. 27 Indefinitely postponed 929

LEGISLATIVE BILL 273. By Pedersen, Lindsay

Jan. 3 Title 17
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 277. By Schimek, at the request of the Governor

Jan. 3 Title 17
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 278. By Hall, Will

Jan. 3 Title 17
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 279. By Hall, Will

Jan. 3 Title 17
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 280. By Hartnett

Jan. 3 Title 17
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 281. By Wehrbein

Jan. 3 Title 18
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 284. By Robak

Jan. 3 Title 18
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 289. By McKenzie

Jan. 3 Title 18
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 292. By Vrtiska

Jan. 3 Title 18
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 295. By Landis, at the request of the Governor

Jan. 3 Title 18
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 295A. By Wehrbein

Jan. 4 Read first time. Placed on General File 242
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 296. By Beutler

Jan. 3 Title 18
Mar. 11 Failed on Final Reading w/E 21-16-12 1134
Mar. 11 Failed on Final Reading 20-15-14 1135
Mar. 13 Beutler motion to reconsider vote on Final Reading p. 1135 laid over 1221
Mar. 19 Beutler pending motion p. 1221 prevailed. Final Reading 29-15-5 1299
Mar. 19 Correctly Enrolled. President signed 1312
Mar. 19 Presented to Governor (3/19) 1316
Mar. 20 Approved by Governor (3/20) 1334
(Provisions/portions of LB 554 amended into LB 296 by AM2597)
(Provisions/portions of LB 854 amended into LB 296 by AM2597)

LEGISLATIVE BILL 298. By Warner, Coordsen, Kristensen, Preister, Beutler, Vrtiska

Jan. 3 Title 18
Feb. 22 Hilgert name added 885
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 298 amended into LB 1039 by AM3353)

LEGISLATIVE BILL 298A. By Warner

Jan. 3 Title 18
Jan. 5 Warner AM2652 printed 263
Jan. 18 Warner AM2798 printed 520
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 299. By Warner

Jan. 3 Title 18
Feb. 21 Warner priority bill 866
Mar. 11 Placed on General File - Com AM3654 (printed separate) 1167
Mar. 12 Executive Board approval of Speaker major proposal 1211
Mar. 13 Brown AM3767 to committee AM3654 printed 1221
Mar. 14 Maurstad AM3818 to committee AM3654 printed 1273
Mar. 19 Will AM3839, Withem AM3837, and Warner AM3863 to committee AM3654 printed 1323
Mar. 20 McKenzie AM3930 and AM3912 to

committee AM3654 printed 1346
Mar. 20 Vrtiska AM3946 and McKenzie AM3939 to committee AM3654 printed 1356
Mar. 20 Withem AM3936 to committee AM3654 printed 1358
Mar. 20 Maurstad AM3986 to committee AM3654 printed 1390
Mar. 21 Withem-Warner AM4018 to committee AM3654 printed 1414
Mar. 21 Maurstad AM3993 to committee AM3654 printed 1421
Mar. 21 Janssen-Bromm AM4023 to committee AM3654 printed 1433
Mar. 22 Wesely AM4043 to committee AM3654 printed 1460
Mar. 25 Withem-Warner pending AM4018 p. 1414 and Brown AM3922 to committee AM3654 adopted. Brown pending AM3767 p. 1220, Warner pending AM3863 p. 1323, Maurstad pending AM3993 p. 1421, AM3818 p. 1273, AM3986 p. 1390, Withem pending AM3837 p. 1323, AM3936 p. 1358, and Vrtiska pending AM3946 p. 1356 withdrawn. Janssen-Bromm request to substitute AM4023 prevailed. Janssen-Bromm pending AM4023 p. 1433 withdrawn. Janssen-Bromm substitute AM4070 to committee AM3654 pending 1474
Mar. 25 Warner-Maurstad-Coordsen AM4078 and Lindsay FA574 to committee AM3654 adopted. Janssen-Bromm pending AM4070 p. 1476, Wesely pending AM4043 p. 1460, McKenzie pending AM3930, AM3912 p. 1346, AM3939 p. 1356, and Hilgert AM4069 (on file) withdrawn. Bohlke requested ruling on AM4043 p. 1460. Chair ruled 30 votes required to adopt amendment. Pending 1481
Mar. 25 Withem AM4077 to committee AM3654 printed 1485
Mar. 25 Will pending AM3839 p. 1323 withdrawn. Committee AM3654 p. 1167 adopted as amended by Will-Lindsay-Bohlke FA575. Advanced for Review 1495
Mar. 27 Placed on Select File - AM7265 ..... 1604 (printed separate)
Mar. 28 Expedited 1646
Apr. 1 Lindsay-Maurstad AM4073 printed 1699
Apr. 1 Withem AM4278 to AM7265 printed 1731
Apr. 1 Maurstad-Landis AM4225 to AM7265 printed 1740
Apr. 2 Warner-Coordsen-Kristensen-Bohlke AM4281 printed separate. Janssen AM4317, Warner AM4323, and AM4322 to AM4281 printed 1807
Apr. 2 Avery AM4341 to AM4281 printed 1808
Apr. 3 AM7265 (E & R) adopted. Warner pending AM4322 p. 1807 withdrawn. Warner request

to substitute amendment prevailed. Warner pending AM4323 p. 1807 withdrawn. Warner et al pending AM4281 p. 1807 adopted as amended by Warner substitute AM4373. Bromm and Jensen names added to AM4278. Withem et al pending AM4278 p. 1731 adopted as amended by Chambers FA614. Chambers FA613 withdrawn. Avery pending AM4341 p. 1808 lost. Janssen request to substitute amendment prevailed. Janssen pending AM4317 p. 1807 withdrawn. Janssen substitute AM4375 adopted. Lindsay-Maurstad pending AM4073 p. 1699 ruled not germane. Maurstad-Landis pending AM4225 p. 1740 adopted. Withem pending AM4077 p. 1485 and Lindsay-Coordsen-Robinson-Jensen-Brashear AM4309 withdrawn. Kristensen FA615 to AM4375 adopted. Jensen AM4387 ruled not germane. Advanced for Engrossment 1848
Apr. 4 Correction 1876
Apr. 9 Correctly Engrossed. ER9175 change 1922
Apr. 10 Kristensen FA640 printed 2009
Apr. 11 Kristensen motion to return to Select File for pending FA640 p. 2009 withdrawn. Final Reading w/E 36-11-2 2028
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 11 Will explanation of vote 2078
Apr. 18 Approved by Governor (4/16) 2090
(Provisions/portions of LB 978 amended into LB 299 by AM4225)
(Provisions/portions of LB 1115 amended into LB 299 by AM4281)

LEGISLATIVE BILL 301. By Coordsen

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 302. By Crosby

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 304. By Vrtiska, Avery, Coordsen, Janssen, Preister, Schmitt

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 307. By Hall, Withem

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 308. By Schmitt, Chambers

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 316. By Schellpeper

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 319. By Coordsen

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 320. By Beutler

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 321. By Coordsen

Jan. 3 Title 19
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 322. By Coordsen

Jan. 3 Title 20
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 323. By Kristensen

Jan. 3 Title 20
Mar. 25 Kristensen AM4106 printed 1509
Mar. 27 Committee AM0191 p. 592, First Session, adopted. Kristensen pending AM4106 p. 1509 adopted. Advanced for Review 1595
Apr. 1 Placed on Select File - AM7287 (printed separate) 1684
Apr. 2 AM7287 (E & R) adopted. Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 9 Final Reading 45-0-4 1972
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008

Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 323 amended into LB 938 by AM3102)

LEGISLATIVE BILL 323A. By Kristensen

Mar. 20 Read first time. Placed on General File 1356
Mar. 27 Advanced for Review 1595
Apr. 1 Placed on Select File 1684
Apr. 2 Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 9 Final Reading 44-0-5 1973
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 328. By Robinson, Fisher, Janssen

Jan. 3 Title 20
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 328 amended into LB 1277 by AM3741)

LEGISLATIVE BILL 329. By Hartnett

Jan. 3 Title 20
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 333. By Schimek

Jan. 3 Title 20
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 333A. By Schimek

Jan. 3 Title 20
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 336. By Schimek

Jan. 3 Title 21
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 338. By Hillman, Bernard-Stevens, Avery

Jan. 3 Title 21
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 338 amended into LB 584 by AM2887)

LEGISLATIVE BILL 340. By Abboud, Preister

Jan. 3 Title 21
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 345. By Jones, Bromm, Coordsen, Cudaback, Hartnett, Schellpeper

Jan. 3 Title 21
Mar. 26 Beutler AM4124 adopted. Advanced for Review 1520
Mar. 28 Placed on Select File - AM7267 1663
Apr. 2 AM7267 (E & R) adopted.
Advanced for Engrossment 1756
Apr. 3 Correctly Engrossed 1870
Apr. 9 Final Reading 45-0-4 1974
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 345A. By Jones

Jan. 3 Title 21
Mar. 26 Advanced for Review 1520
Mar. 28 Placed on Select File - AM7268 1663
Apr. 2 AM7268 (E & R) adopted.
Advanced for Engrossment 1756
Apr. 3 Correctly Engrossed 1870
Apr. 9 Final Reading 45-0-4 1974
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 347. By Jones, Schmitt

Jan. 3 Title 21
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 349. By Robak, Dierks, Jones

Jan. 3 Title 21
Jan. 19 Robak priority bill 528
Jan. 26 Withem FA407 printed 637
Jan. 30 Bohlke motion to bracket until 2/7/96
prevailed 651
Jan. 30 Withem AM2955 printed 655
Jan. 30 Withem AM2953 and Schimek AM2954 printed.
Schimek AM2944 to committee AM1024 printed 658
Jan. 30 Robak AM2940 to committee AM1024 printed 659
Feb. 12 Withem pending FA407 p. 637, AM2955 p. 655,
and Schimek pending AM2944 p. 658

withdrawn. Robak AM2882 lost 762
Feb. 13 Wickersham motion to reconsider AM2882 p. 762 prevailed. Committee AM1024 p. 1172, First Session, adopted as amended by Robak reconsidered AM2882 p. 763. Pending 767
Feb. 13 Withem pending AM2953 p. 658 and Robak pending AM2940 p. 659 withdrawn. Failed to advance for Review 781
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 351. By Kristensen

Jan. 3 Title 22
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 353. By Kristensen

Jan. 3 Title 22
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 355. By Kristensen

Jan. 3 Title 22
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 357. By Dierks, Coordsen, Schellpeper

Jan. 3 Title 22
Jan. 4 Beutler AM2724 printed 242
Jan. 5 Dierks AM2733 adopted as amended by Hillman FA382. Beutler pending AM2724 p. 242 adopted as amended by Maurstad FA383. Schrock FA384 withdrawn. Failed to advance for Review 258
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 359. By Dierks

Jan. 3 Title 22
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 361. By Will

Jan. 3 Title 22
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 361 amended into LB 1076 by AM3750)

LEGISLATIVE BILL 362. By Will

Jan. 3 Title 22
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 364. By Schimek, Crosby

Jan. 3 Title 23
Feb. 27 Indefinitely postponed 929

LEGISLATIVE BILL 367. By Wehrbein, Hudkins

Jan. 3 Title 23
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 368. By Nebraska Retirement Systems Committee

Jan. 3 Title 23
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 368 amended into LB 847 by AM2684)

LEGISLATIVE BILL 370. By Wickersham

Jan. 3 Title 23
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 373. By Dierks, McKenzie

Jan. 3 Title 23
Mar. 20 Committee AM0301 p. 729, First Session, adopted. Advanced for Review 1326
Mar. 22 Placed on Select File - AM7252 1471
Mar. 26 AM7252 (E & R) adopted. Dierks AM4012 adopted. Advanced for Engrossment 1517
Apr. 1 Correctly Engrossed. ER9151 change 1705
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 373A. By Dierks

Jan. 3 Title 23
Mar. 12 Dierks AM3762 printed 1208
Mar. 20 Dierks pending AM3762 p. 1208 adopted. Advanced for Review 1327
Mar. 22 Placed on Select File - AM7253 1471
Mar. 26 AM7253 (E & R) adopted. Dierks AM4040 adopted. Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 375. By Schellpeper

Jan. 3 Title 24
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 378. By Wickersham

Jan. 3 Title 24
Jan. 23 Indefinitely postponed 556

LEGISLATIVE BILL 383. By Hillman, Robak

Jan. 3 Title 24
Mar. 13 Advanced for Review 1220
Mar. 19 Placed on Select File 1285
Mar. 26 Advanced for Engrossment 1517
Apr. 1 Correctly Engrossed 1687
Apr. 4 Final Reading 35-0-14 1878
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 388. By Bromm, Avery, Beutler, Crosby, Cudaback, Hudkins, Janssen, Jones, Lynch, Pedersen, Pirsch, Preister

Jan. 3 Title 24
Mar. 7 Hudkins name withdrawn 1128
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 403. By Health and Human Services Committee

Jan. 3 Title 24
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 405. By Wesely

Jan. 3 Title 24
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 405A. By Wesely

Jan. 3 Title 24
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 410. By Janssen, Hartnett, Vrtiska

Jan. 3 Title 24
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 414. By Day, Withem, Will

Jan. 3 Title 25
Jan. 8 Committee AM0249 p. 676, First Session, adopted as amended by Wesely-Day pending AM0639 p. 950, First Session. Withem-Wesely AM2750 and AM2751 pending 320
Jan. 9 Withem-Wesely pending AM2751 p. 322 lost. Withem-Wesely pending AM2750 p. 320 adopted. Advanced for Review 355
Jan. 16 Placed on Select File - AM7170 ..... 427 (printed separate)
Jan. 25 AM7170 (E & R) adopted. Withem AM2762 on file) and AM2914 adopted. Advanced for Engrossment 610
Feb. 2 Withem-Wesely AM2990 printed 697
Feb. 20 Returned to Select File for Withem-Wesely amendment. Withem-Wesely pending AM2990 p. 697 adopted. Advanced for Engrossment 836
Feb. 27 Correctly Engrossed. ER9113 change 952
Mar. 28 Final Reading w/E 43-0-6 1627
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 3 Approved by Governor (4/3) 1843

LEGISLATIVE BILL 414A. By Day

Jan. 3 Title 25
Jan. 3 Withem and Will names added 202
Jan. 5 Withem AM2721 printed 263
Jan. 9 Withem pending AM2721 p. 263 adopted. Advanced for Review 356
Jan. 16 Placed on Select File - AM7171 427
Jan. 25 AM7171 (E & R) adopted. Withem AM2910 adopted. Advanced for Engrossment 611
Feb. 20 Returned to Select File for Withem amendment. Withem AM3242 adopted. Advanced for Engrossment 836
Feb. 27 Correctly Engrossed 952
Feb. 27 ER9117 change 955
Mar. 28 Final Reading 43-0-6 1628
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 3 Approved by Governor (4/3) 1843

LEGISLATIVE BILL 415. By Pirsch

Jan. 3 Title 25
Feb. 6 Placed on General File - Com AM3023 721
(printed separate)
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 415 amended into LB 948 by AM3842)

LEGISLATIVE BILL 419. By Crosby

Jan. 3 Title 25
Jan. 23 Indefinitely postponed 556

LEGISLATIVE BILL 422. By Wesely

Jan. 3 Title 25
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 423. By Lindsay, Bromm

Jan. 3 Title 25
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 425. By Engel, Avery, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Fisher, Hall, Hartnett, Hillman, Janssen, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pirsch, Robak, Robinson, Schmitt, Schrock, Stuhr, Vrtiska, Wesely, Wickersham, Withem, at the request of the Governor

Jan. 3 Title 26
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 425A. By Engel, Crosby

Jan. 3 Title 26
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 426. By Schmitt

Jan. 3 Title 26
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 428. By Dierks

Jan. 3 Title 26
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 432. By Withem

Jan. 3 Title 27
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 435. By Chambers

Jan. 3 Title 27
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 436. By Hartnett, Brashear, Brown, Jensen

Jan. 3 Title 27
Mar. 28 Placed on General File - Com AM3392 1640
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 440. By Vrtiska, Matzke, Wesely

Jan. 3 Title 27
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 442. By Coordsen

Jan. 3 Title 27
Jan. 25 Placed on General File - Com AM2812 620
Mar. 13 Committee AM2812 adopted. Advanced for Review ... 1220
Mar. 19 Placed on Select File - AM7240 1285
Mar. 19 Brashear AM3879 printed 1315
Mar. 20 Brashear AM3976 printed 1381
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 443. By Coordsen

Jan. 3 Title 27
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 443A. By Coordsen

Jan. 11 Read first time. Placed on General File 408
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 446. By Hall, Will

Jan. 3 Title 27
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 460. By Schimek

Jan. 3 Title 27
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 460A. By Schimek

Jan. 3 Title 28
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 462. By Transportation Committee

Jan. 3 Title 28
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 463. By Transportation Committee

Jan. 3 Title 28
Mar. 28 Advanced for Review 1622
Apr. 1 Placed on Select File - AM7278 1684
Apr. 2 AM7278 (E & R) adopted. Beutler AM4292 adopted. Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 9 Final Reading w/E 45-0-4 1975
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 464. By Transportation Committee

Jan. 3 Title 28
Jan. 18 Placed on General File - Com AM2731 478
Feb. 8 Committee AM2731 adopted. Advanced for Review 744
Feb. 13 Kristensen AM3101 printed 768
Feb. 14 Placed on Select File - AM7191 796
Feb. 20 Kristensen AM3178 printed separate 841
Feb. 28 AM7191 (E & R) adopted. Kristensen pending AM3101 p. 768 withdrawn. Kristensen pending AM3178 p. 841 adopted. Advanced for Engrossment 964
Mar. 4 Correctly Engrossed. ER9122 change 1013
Apr. 9 Final Reading 44-0-5 1960
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 465. By Transportation Committee

Jan. 3 Title 28
Feb. 21 Transportation Committee priority bill 866
Mar. 19 Kristensen AM3798 printed 1308
Mar. 28 Committee AM0278 p. 673, First Session, lost. Kristensen pending AM0506 and AM0551 pp. 961-962, First Session, withdrawn.

Kristensen pending AM3798 p. 1308
adopted. Advanced for Review 1664
Mar. 28 Expedited 1671
Apr. 1 Placed on Select File - AM7276 1672
Apr. 3 AM7276 (E & R) adopted.
Advanced for Engrossment 1855
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 47-0-2 2033
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 465A. By Kristensen

Jan. 3 Title 29
Mar. 28 Advanced for Review 1665
Apr. 1 Placed on Select File - AM7277 1672
Apr. 3 AM7277 (E & R) adopted.
Advanced for Engrossment 1855
Apr. 9 Correctly Engrossed 1911
Apr. 11 Returned to Select File for Kristensen
amendment. Kristensen FA645 adopted.
Stands indefinitely postponed 2034

LEGISLATIVE BILL 466. By Transportation Committee

Jan. 3 Title 29
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 468. By Hartnett

Jan. 3 Title 29
Feb. 28 Placed on General File 971
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 469. By Urban Affairs Committee

Jan. 3 Title 29
Jan. 8 Committee AM0510 p. 827, First Session,
adopted. Hartnett pending motion p. 1662,
First Session, to reconsider AM0943 withdrawn.
Advanced for Review 319
Jan. 9 Hartnett AM2679 printed 351
Jan. 11 Placed on Select File - AM7168 375
Jan. 24 Hillman AM2883 to AM7168 printed 594
Jan. 25 AM7168 (E & R) adopted. Hartnett pending
AM2679 p. 351, Hillman pending AM2883
p. 594, and Beutler AM2918 adopted.

Advanced for Engrossment 606
Jan. 31 Correctly Engrossed. ER9109 change 663
Feb. 7 Final Reading 35-0-14 725
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764
(Provisions/portions of LB 738 amended into LB 469 by AM0510)
(Provisions/portions of LB 782 amended into LB 469 by AM0510)
(Provisions/portions of LB 783 amended into LB 469 by AM0510)

LEGISLATIVE BILL 471. By Landis

Jan. 3 Title 29
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 474. By Lindsay

Jan. 3 Title 29
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 475. By Lindsay

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 478. By Hudkins

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 481. By Matzke

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 484. By Avery, Engel, Fisher, Maurstad, Schellpeper

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 485. By Dierks

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 489. By Kristensen

Jan. 3 Title 30
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 489 amended into LB 681 by AM2998)

LEGISLATIVE BILL 492. By Hall, Crosby, Day, Lindsay, McKenzie

Jan. 3 Title 31
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 495. By Health and Human Services Committee, and Vrtiska

Jan. 3 Title 31
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 496. By Health and Human Services Committee, and Beutler, Schrock, Fisher

Jan. 3 Title 31
Jan. 25 Placed on General File - Com AM2747 620
Mar. 6 Committee AM2747 adopted. Advanced for Review ... 1060
Mar. 7 Placed on Select File 1105
Mar. 19 Wesely AM3852 printed 1321
Mar. 26 Wesely pending AM3852 p. 1321 adopted.
Advanced for Engrossment 1516
Mar. 26 Maurstad FA584 printed 1528
Apr. 1 Correctly Engrossed 1687
Apr. 1 ER9150 change 1688
Apr. 9 Maurstad pending FA584 p. 1528 withdrawn.
Final Reading 44-0-5 1965
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 496A. By Wesely

Feb. 6 Read first time. Placed on General File 723
Feb. 22 Wesely AM3261 printed 878
Mar. 6 Wesely pending AM3261 p. 878 adopted.
Advanced for Review 1060
Mar. 7 Placed on Select File - AM7223 1105
Mar. 26 AM7223 (E & R) adopted.
Advanced for Engrossment 1517
Apr. 1 Correctly Engrossed 1687
Apr. 9 Final Reading 43-0-6 1966
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor with line-item veto (4/12) 2083

Apr. 23 Communication 2112
Apr. 23 Message from Secretary of State 2114

LEGISLATIVE BILL 497. By Day

Jan. 3 Title 31
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 497 amended into LB 1155 by AM4382)

LEGISLATIVE BILL 498. By Hudkins

Jan. 3 Title 31
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 504. By Will

Jan. 3 Title 31
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 507. By Crosby

Jan. 3 Title 32
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 511. By Bromm, Crosby, Lindsay, Robinson, Schimek

Jan. 3 Title 32
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 512. By Bromm

Jan. 3 Title 32
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 515. By Landis

Jan. 3 Title 32
Mar. 20 Committee AM0405 p. 803, First Session, adopted. Advanced for Review 1327
Mar. 21 Landis AM3994 printed 1403
Mar. 22 Placed on Select File - AM7247 1472
Mar. 26 AM7247 (E & R) adopted. Landis pending AM3994 p. 1403 adopted. Advanced for Engrossment 1520
Apr. 1 Correctly Engrossed. ER9154 change 1725
Apr. 4 Final Reading w/E 37-0-12 1878
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890

Apr. 9 Approved by Governor (4/9) 1920
(Provisions/portions of LB 1185 amended into LB 515 by AM3994)

LEGISLATIVE BILL 516. By Lindsay

Jan. 3 Title 32
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 518. By Lynch

Jan. 3 Title 32
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 521. By Avery

Jan. 3 Title 32
Jan. 23 Indefinitely postponed 556

LEGISLATIVE BILL 525. By Avery, Wickersham

Jan. 3 Title 32
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 528. By Wickersham

Jan. 3 Title 33
Feb. 15 Presentation of Actuarial Study (2/28) 811
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 528 amended into LB 847 by AM2684)

LEGISLATIVE BILL 532. By Brown, Day, Schimek

Jan. 3 Title 33
Jan. 16 Placed on General File - Com AM2766 428
Feb. 8 Committee AM2766 adopted. Advanced for Review 743
Feb. 13 Placed on Select File - AM7185 782
Feb. 28 AM7185 (E & R) adopted.
Advanced for Engrossment 962
Mar. 4 Correctly Engrossed 1013
Mar. 11 Final Reading w/E 38-2-9 1136
Mar. 11 President signed 1141
Mar. 11 Presented to Governor (3/11) 1152
Mar. 13 Approved by Governor (3/13) 1233

LEGISLATIVE BILL 533. By Schellpeper, Coordsen

Jan. 3 Title 33
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 536. By Beutler, Kristensen

Jan. 3 Title 33
Jan. 25 Placed on General File - Com AM2893 608
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 537. By Beutler

Jan. 3 Title 33
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 540. By Beutler

Jan. 3 Title 33
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 543. By Beutler, Crosby, Landis, Schimek, Warner, Wesely

Jan. 3 Title 33
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 548. By Beutler, Lindsay

Jan. 3 Title 34
Jan. 19 Passed over 526
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 553. By Beutler

Jan. 3 Title 34
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 554. By Beutler

Jan. 3 Title 34
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 554 amended into LB 296 by AM2597)

LEGISLATIVE BILL 555. By Beutler, at the request of the Governor

Jan. 3 Title 34
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 558. By Wehrbein

Jan. 3 Title 34
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 562. By Nebraska Retirement Systems Committee

Jan. 3 Title 34
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 562 amended into LB 847 by AM2684)

LEGISLATIVE BILL 568. By Robinson, Janssen, Lynch, Vrtiska, Wehrbein

Jan. 3 Title 34
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 569. By Brashear

Jan. 3 Title 35
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 575. By Pedersen

Jan. 3 Title 35
Jan. 23 Pedersen priority bill 557
Feb. 27 Pedersen AM3272 to committee AM0895 printed 930
Feb. 28 Committee AM0895 p. 1042, First Session, adopted as amended by Pedersen pending AM3272 p. 930. Advanced for Review 968
Mar. 6 Placed on Select File - AM7217 1074
Mar. 27 AM7217 (E & R) adopted. Advanced for Engrossment 1601
Apr. 1 Correctly Engrossed 1725
Apr. 10 Final Reading 42-0-7 1992
Apr. 10 Wickersham explanation of vote 2009
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 576. By Avery, Beutler, Elmer

Jan. 3 Title 35
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 578. By Day, Bernard-Stevens, Crosby, Hillman

Jan. 3 Title 35
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 582. By Natural Resources Committee

Jan. 3 Title 35
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 584. By Natural Resources Committee

Jan. 3 Title 35
Jan. 8 Committee AM1189 p. 1447, First Session, sustained division of question 5/18/95. Committee FA234 p. 2323, First Session, adopted. Coordsen FA386 lost. Committee FA235 adopted as amended by Wehrbein FA387. Committee FA236 ruled germane. Chair sustained. Committee FA236 lost as amended by Beutler AM2718. Committee FA237 lost. Committee FA238 adopted as amended by Wickersham FA388. Advanced for Review 300
Jan. 11 Placed on Select File - AM7167 (printed separate) 374
Jan. 24 Hillman AM2887 to AM7167 printed 568
Jan. 25 AM7167 (E & R) adopted. Hillman pending AM2887 p. 568 adopted. Advanced for Engrossment 606
Jan. 31 Correctly Engrossed. ER9110 change 663
Feb. 7 Returned to Select File for Coordsen amendment. Coordsen FA432 adopted. Advanced for Reengrossment 726
Feb. 8 Correctly Reengrossed 750
Feb. 23 Coordsen motion to return to Select File for FA454 withdrawn. Final Reading 25-16-8 890
Feb. 26 President signed 907
Feb. 26 Presented to Governor (2/26) 910
Mar. 4 Approved by Governor (3/1) 1000
(Provisions/portions of LB 98 amended into LB 584 by AM1189)
(Provisions/portions of LB 198 amended into LB 584 by AM1189)
(Provisions/portions of LB 258 amended into LB 584 by AM1189)
(Provisions/portions of LB 338 amended into LB 584 by AM2887)

LEGISLATIVE BILL 586. By Janssen, Dierks

Jan. 3 Title 36
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 587. By Hall, Day, Jones, Lynch, Schmitt

Jan. 3 Title 36
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 588. By Hall, Will

Jan. 3 Title 36
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 590. By Schellpeper, Cudaback, Elmer, Hartnett, Hudkins, Robinson, Robak, Crosby

Jan. 3 Title 36
Feb. 8 Will name added 751
Feb. 20 Will priority bill 831
Mar. 12 Will AM3617 printed separate 1179
Mar. 21 Witek AM3981 and AM3980 to AM3617 printed 1403
Mar. 22 Witek AM3855 printed 1467
Mar. 22 Witek AM4003 to AM3617 printed 1468
Mar. 28 Lindsay AM3828 to AM3617 printed 1668
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 592. By Day, Beutler, at the request of the Governor

Jan. 3 Title 36
Jan. 19 AM7139 (E & R) p. 1978, First Session, adopted. Witek pending AM2380 p. 2431, First Session, withdrawn. Pending 529
Jan. 19 Day pending AM2462 p. 2457, First Session, withdrawn. Beutler-Day pending AM1980, p. 2457, First Session, adopted. Witek FA393 lost 532
Jan. 19 Witek FA394 printed 535
Jan. 22 Witek pending FA394 p. 535 and Chambers FA395 lost. Pending 540
Jan. 22 Lindsay AM2844 pending as amended by Chambers FA402 544
Jan. 22 Witek AM2849 to AM7139 printed 545
Jan. 22 Bohlke-Bromm-Hartnett AM2854 to AM7139 printed .. 546
Jan. 22 Schimek AM2859 to AM2854 printed 547
Jan. 22 Chambers FA396, FA397, FA398, FA399, FA400, and FA401 to AM7139 printed 548
Jan. 23 Lindsay pending AM2844 p. 544 adopted as amended. Beutler-Bromm AM2870 (on file) to AM2849 adopted. Pending 554
Jan. 23 Chambers motion to reconsider AM2870 p. 555 prevailed. Beutler-Bromm reconsidered AM2870 p. 555 pending 559
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 592A. By Day

Jan. 3 Title 37
Jan. 19 Beutler name added 535
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 594. By Withem

Jan. 3 Title 37
Jan. 23 Indefinitely postponed 556

LEGISLATIVE BILL 595. By Withem

Jan. 3 Title 37
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 596. By Lindsay

Jan. 3 Title 37
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 597. By Lindsay

Jan. 3 Title 37
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 600. By Bohlke

Jan. 3 Title 37
Mar. 12 Indefinitely postponed 1184
(Provisions/portions of LB 600 amended into LB 1050 by AM3077)

LEGISLATIVE BILL 604. By Schrock, Beutler, Dierks, Matzke, Wehrbein, Wickersham

Jan. 3 Title 37
Jan. 26 Schrock priority bill 638
Feb. 1 Withem AM2985 printed 679
Feb. 27 Schrock AM3343 to committee AM0323 printed 935
Feb. 28 Committee AM0323 p. 1245, First Session, adopted as amended by Schrock pending AM3343 p. 935. Withem pending AM2985 p. 679 withdrawn. Advanced for Review 967
Mar. 6 Bernard-Stevens motion to bracket until 3/21/96 laid over 1062
Mar. 6 Placed on Select File - AM7220 (printed separate) 1073
Mar. 7 Bernard-Stevens AM3589 to AM7220 printed 1103
Mar. 7 Schimek AM3386 to AM7220 printed 1114
Mar. 7 Withem AM3624 to AM7220 printed 1122
Mar. 11 Jones-Wickersham AM3540 to AM7220 printed 1129

Mar. 12 Wesely AM3774 to AM3624 printed 1208
Mar. 13 Withem AM3797 and AM3713 printed separate. Withem AM3715 and AM3716 to AM3540 printed 1243
Mar. 21 Pirsch AM3999 to AM7220 printed 1406
Mar. 22 Wesely AM4042 to AM7220 printed 1463
Mar. 27 AM7220 (E & R) adopted. Bernard-Stevens pending motion p. 1062 withdrawn. Schimek pending AM3386 p. 1114 ruled not germane. Bernard-Stevens pending AM3589 p. 1103, Withem pending AM3624 p. 1122, AM3797, AM3713, AM3715, and AM3716 p. 1243, Jones-Wickersham pending AM3540 p. 1129; Wesely pending AM3774 p. 1208, and AM4042 p. 1463 withdrawn. Advanced for Engrossment 1602
Apr. 1 Schrock AM4282 printed 1753
Apr. 3 Returned to Select File for Pirsch amendment. Pirsch pending AM3999 p. 1406 adopted. Advanced for Engrossment. Returned to Select File for Schrock amendment. Schrock pending AM4282 p. 1753 adopted. Advanced for Engrossment 1829
Apr. 4 Correctly Engrossed. ER9173 change 1900
Apr. 10 Final Reading w/E 43-0-6 1995
Apr. 10 Wickersham explanation of vote 2009
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 1311 amended into LB 604 by AM3999)

LEGISLATIVE BILL 607. By Wesely

Jan. 3 Title 38
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 608. By Warner

Jan. 3 Title 38
Mar. 28 Indefinitely postponed 1644

LEGISLATIVE BILL 611. By Hartnett

Jan. 3 Title 38
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 612. By Hartnett, Schimek

Jan. 3 Title 38
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 615. By Landis

Jan. 3 Title 38
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 615 amended into LB 1275 by AM3295)

LEGISLATIVE BILL 619. By Schrock, Coordsen, Day, Dierks, Elmer, Schmitt, Preister, Engel

Jan. 3 Title 38
Jan. 31 Hilgert name added 667
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 622. By Education Committee

Jan. 3 Title 39
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 624. By Education Committee

Jan. 3 Title 39
Jan 4 Bernard-Stevens AM2681 printed separate 231
Jan 18 Bernard-Stevens AM2759 printed 520
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 624A. By Bohlke

Jan. 3 Title 39
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 625. By Bohlke

Jan. 3 Title 39
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 627. By Witek

Jan. 3 Title 39
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 628. By Lynch, Bohlke, Crosby, Janssen, Lindsay, Robinson, Schrock

Jan. 3 Title 39
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 630. By Coordsen, Bromm, Dierks, Hudkins, Janssen, Jones, Schellpeper, Schrock, Stuhr

Jan.	3	Title	39
Feb.	27	Indefinitely postponed	929

LEGISLATIVE BILL 633. By Hillman, Brown, Day, Withem

Jan.	3	Title	40
Mar.	13	Advanced for Review	1220
Mar.	19	Placed on Select File - AM7239	1280
Mar.	26	AM7239 (E & R) adopted. Advanced for Engrossment	1517
Apr.	1	Correctly Engrossed	1687
Apr.	4	Final Reading 37-0-12	1879
Apr.	4	President signed	1887
Apr.	4	Presented to Governor (4/4)	1890
Apr.	9	Approved by Governor (4/9)	1920

LEGISLATIVE BILL 634. By Bohlke, Fisher, Janssen

Jan.	3	Title	40
Jan.	19	Janssen priority bill	525
Mar.	14	Placed on General File - Com AM3677	1263
Mar.	28	Committee AM3677 adopted. Advanced for Review	1648
Mar.	28	Preister-Bohlke AM4200 printed	1668
Apr.	1	Placed on Select File - AM7283	1712
Apr.	1	Bohlke-Preister AM4238 printed	1720
Apr.	4	AM7283 (E & R) adopted. Preister-Bohlke pending AM4200 p. 1668 withdrawn. Preister-Bohlke pending AM4238 p. 1720 and Bohlke AM4403 adopted. Advanced for Engrossment	1895
Apr.	9	Correctly Engrossed	1911
Apr.	11	Final Reading 43-0-6	2034
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 635. By Wesely

Jan.	3	Title	40
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 635A. By Wesely

Jan.	3	Title	40
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 637. By Wickersham, Janssen, Matzke, Schellpeper, Wesely

Jan. 3 Title 40
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 639. By Withem

Jan. 3 Title 40
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 640. By Beutler

Jan. 3 Title 40
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 642. By Avery, Brashear, Brown, Crosby, Dierks, Engel, Hartnett, Hudkins, Jensen, Kristensen, Lynch, Maurstad, McKenzie, Schellpeper, Vrtiska, Warner, Wehrbein

Jan. 3 Title 41
Jan. 4 Bernard-Stevens AM2682 to AM2293 printed 230
Jan. 11 Avery AM2764 printed 410
Jan. 24 AM7165 (E & R) adopted. Avery request to substitute AM2294, First Session, prevailed. Avery reoffered AM2294 p. 2292, First Session, withdrawn. Avery substitute AM2889 pending 576
Jan. 24 Hillman AM2896 to AM2889 printed 582
Jan. 24 Schimek request to substitute FA403 prevailed. Schimek FA403 withdrawn. Schimek substitute FA404 and Hillman pending AM2896 p. 582 lost. Pending 584
Jan. 24 Bernard-Stevens AM2902 to AM2889 printed 595
Jan. 25 Bernard-Stevens pending AM2902 p. 595, Warner et al pending AM2599 p. 2732, First Session, Bernard-Stevens pending AM2682 p. 230, and Avery pending AM2764 p. 410 withdrawn. Avery pending AM2889 p. 577 adopted as amended by Avery AM2917. Advanced for Engrossment 616
Feb. 5 Correctly Engrossed. ER9111 change 706
Mar. 5 Hillman-Schimek-Wesely-Klein AM3396 printed 1033
Apr. 1 Avery AM4236 printed 1696
Apr. 3 Hillman et al pending AM3396 p. 1033 withdrawn 1827
Apr. 3 Returned to Select File for Avery amendment. Avery pending AM4236 p. 1696 adopted. Advanced for Reengrossment 1828
Apr. 3 Maurstad name withdrawn 1870

Apr. 4 Correctly Reengrossed 1900
Apr. 4 ER9172 change 1901
Apr. 10 Final Reading 37-6-6 1996
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 642A. By Avery, Dierks, Fisher, Hudkins, Jensen, Jones, Landis, Matzke, McKenzie, Pirsch, Preister, Robak, Vrtiska, Warner

Jan. 3 Title 41
Jan. 24 Avery AM2895 printed 595
Jan. 25 Avery pending AM2895 p. 595 withdrawn.
Avery FA405 adopted.
Advanced for Engrossment 617
Feb. 5 Correctly Engrossed. ER9112 change 706
Apr. 1 Avery AM4286 printed 1752
Apr. 3 Returned to Select File for Avery amendment.
Avery pending AM4286 p. 1752 adopted.
Advanced for Reengrossment 1828
Apr. 4 Correctly Reengrossed 1900
Apr. 10 Final Reading 40-2-7 1997
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 643. By Avery, Brashear, Engel, Pedersen

Jan. 3 Title 41
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 645. By Abboud, Bromm, Preister, Pedersen, Day, Witek, Pirsch

Jan. 3 Title 41
Jan. 11 Abboud AM2699 to committee AM0240 printed 387
Jan. 25 Witek priority bill 603
Jan. 30 Witek AM2958 printed 654
Feb. 2 Abboud pending AM2699 p. 387 pending 687
Feb. 2 Committee AM0240 p. 673, First Session, adopted as amended by Abboud pending AM2699 p. 387, FA415, and FA416. Witek pending AM2958 p. 654 and Chambers FA422 withdrawn. Chambers FA421 adopted.
Advanced for Review 688
Feb. 2 Beutler FA417 and FA423 printed 696
Feb. 2 Beutler FA424 and FA425 printed.

Wesely name added 700
Feb. 6 Placed on Select File - AM7182 713
Feb. 22 AM7182 (E & R) adopted. Witek reoffered AM2958 p. 654, Beutler pending FA417 p. 696, and FA424 and FA425 p. 700 withdrawn. Wesely-Hudkins AM3170, Beutler AM3276, pending FA423 p. 696, and FA455 adopted. Chambers FA452 lost. Witek FA456 pending 872
Feb. 22 Chambers FA453 and Witek pending FA456 p. 877 withdrawn. Abboud AM3275 adopted. Advanced for Engrossment 882
Feb. 29 Correctly Engrossed. ER9118 change 983
Apr. 1 Final Reading 40-0-9 1678
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 4 Approved by Governor (4/3) 1891
(Provisions/portions of LB 1021 amended into LB 645 by AM3170)

LEGISLATIVE BILL 645A. By Abboud, Witek

Feb. 22 Read first time. Placed on General File 884
Mar. 12 Advanced for Review 1195
Mar. 14 Placed on Select File 1246
Mar. 20 Advanced for Engrossment 1329
Mar. 21 Correctly Engrossed 1411
Apr. 1 Final Reading 42-0-7 1679
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 4 Approved by Governor (4/3) 1891

LEGISLATIVE BILL 649. By Cudaback, Jones, Schmitt

Jan. 3 Title 41
Mar. 28 Passed over 1622
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 650. By Wesely

Jan. 3 Title 41
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 651. By Bernard-Stevens

Jan. 3 Title 41
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 652. By Bernard-Stevens

Jan. 3 Title 41
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 659. By Pirsch

Jan. 3 Title 42
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 661. By Pirsch, Hudkins, Janssen, Robak

Jan. 3 Title 42
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 662. By Will

Jan. 3 Title 42
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 664. By Maurstad

Jan. 3 Title 42
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 667. By Day

Jan. 3 Title 42
Jan. 17 Indefinitely postponed 457

LEGISLATIVE BILL 670. By Withem, Bernard-Stevens

Jan. 3 Title 42
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 673. By Kristensen

Jan. 3 Title 42
Jan. 25 Placed on General File - Com AM2621 619
(printed separate)
Feb. 20 Banking, Commerce and Insurance
Committee priority bill 848
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 673 amended into LB 681 by AM2998)

LEGISLATIVE BILL 674. By Wickersham, Hillman

Jan. 3 Title 42
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 675. By Wickersham

Jan. 3 Title 43
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 676. By Wickersham

Jan. 3 Title 43
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 676 amended into LB 1050 by AM3077)

LEGISLATIVE BILL 678. By Hartnett, Schellpeper

Jan. 3 Title 43
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 681. By Kristensen

Jan. 3 Title 43
Jan. 25 Kristensen priority bill 603
Feb. 26 Committee AM0707 p. 1023, First Session, adopted. Landis pending AM1177 p. 1391, First Session, adopted. Advanced for Review 910
Feb. 26 Lindsay name added 919
Feb. 29 Placed on Select File - AM7216 991
Mar. 6 Kristensen AM2998 (on file) printed 1068
Mar. 20 Wesely AM3935 printed 1381
Mar. 21 Wesely AM4015 printed 1430
Mar. 27 AM7216 (E & R) adopted. Kristensen pending AM2998 p. 1068 and Wesely pending AM4015 p. 1430 adopted. Wesely pending AM3935 p. 1381 withdrawn. Advanced for Engrossment 1602
Mar. 28 Abboud name added 1621
Apr. 2 Lindsay FA606 printed 1801
Apr. 3 Correctly Engrossed. ER9161 change 1870
Apr. 10 Kristensen motion to return to Select File for pending FA606 p. 1801 withdrawn. Final Reading w/E 40-1-8 1980
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 489 amended into LB 681 by AM2998)
(Provisions/portions of LB 673 amended into LB 681 by AM2998)
(Provisions/portions of LB 1258 amended into LB 681 by AM2998)

LEGISLATIVE BILL 683. By Crosby

Jan. 3 Title 43
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 685. By Crosby

Jan. 3 Title 44
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 687. By Will

Jan. 3 Title 44
Feb. 21 General Affairs Committee priority bill 852
Feb. 21 Placed on General File - Com AM3237 854
Mar. 28 Committee AM3237 lost. Failed to advance for Review 1666
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 688. By Will

Jan. 3 Title 44
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 689. By Landis

Jan. 3 Title 44
Jan. 17 Placed on General File 457
Feb. 8 Advanced for Review 744
Feb. 13 Placed on Select File 784
Feb. 14 Landis AM3125 printed 792
Feb. 28 Landis pending AM3125 p. 792 adopted. Advanced for Engrossment 964
Mar. 4 Correctly Engrossed. ER9120 change 1013
Mar. 11 Final Reading w/E 42-0-7 1136
Mar. 11 President signed 1141
Mar. 11 Presented to Governor (3/11) 1152
Mar. 13 Approved by Governor (3/13) 1233

LEGISLATIVE BILL 691. By Withem

Jan. 3 Title 44
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 692. By Withem

Jan. 3 Title 44
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 693. By Warner

Jan. 3 Title 44
Apr. 9 Warner motion to suspend rules to adopt amendment printed. Warner-Wickersham-

Hartnett-Kristensen-Coordsen-Hillman AM4439 printed 1953
Apr. 9 Warner AM4433 printed 1956
Apr. 9 Warner AM4447 printed 1957
Apr. 10 Warner pending AM2523 p. 2592, First Session, withdrawn. Warner pending motion p. 1953 to suspend rules prevailed. Returned to Select File for Warner et al amendment. Warner et al pending AM4439 p. 1953 adopted. Advanced for Reengrossment 2013
Apr. 10 Warner pending AM4433 p. 1956 and AM4447 p. 1957 withdrawn. Returned to Select File for Warner amendment. Warner AM4454 adopted. Advanced for Reengrossment 2014
Apr. 10 Correctly Reengrossed. ER9195 change 2019
Apr. 18 Final Reading 41-3-5 2093
Apr. 18 President signed 2094
Apr. 18 Presented to Governor (4/18) 2104
Apr. 18 Approved by Governor (4/18) 2110

LEGISLATIVE BILL 694. By Warner, Bromm, Schimek, Matzke, Beutler

Jan. 3 Title 45
Jan. 30 Placed on General File - Com AM2746 (printed separate) 653
Feb. 2 Lynch priority bill 693
Feb. 5 Lynch name added 711
Mar. 13 Warner AM3791 printed 1234
Mar. 14 Lynch priority bill withdrawn 1277
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 694A. By Warner

Feb. 7 Read first time. Placed on General File 724
Mar. 4 Warner AM3171 printed 1005
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 698. By Brown

Jan. 3 Title 45
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 700. By Wickersham

Jan. 3 Title 45
Jan. 5 Wickersham-Crosby AM2734 printed separate 264
Jan. 9 Wickersham pending AM2150 p. 2126 and AM2358

p. 2397, First Session, withdrawn. Wickersham-Crosby pending AM2734 p. 264 adopted. Advanced for Review 358
Jan. 18 Placed on Select File - AM7169 515
Jan. 25 AM7169 (E & R) adopted. Advanced for Engrossment 612
Feb. 2 Correctly Engrossed 694
Mar. 19 Wickersham AM3880 printed 1312
Mar. 25 Returned to Select File for Wickersham amendment. Wickersham pending AM3880 p. 1312 adopted. Advanced for Reengrossment 1509
Mar. 28 Correctly Reengrossed. ER9149 change 1637
Apr. 3 Final Reading w/E 42-1-6 1831
Apr. 3 Speaker signed 1842
Apr. 3 Presented to Governor (4/3) 1845
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 700A. By Wickersham

Jan. 3 Title 45
Jan. 23 Wickersham AM2852 printed 561
Jan. 25 Wickersham pending AM2852 p. 561 adopted. Advanced for Review 605
Jan. 26 Placed on Select File - AM7179 634
Feb. 7 AM7179 (E & R) adopted. Advanced for Engrossment 734
Feb. 12 Correctly Engrossed 757
Mar. 20 Wickersham AM3934 printed 1356
Mar. 25 Returned to Select File for Wickersham amendment. Wickersham pending AM3934 p. 1356 adopted. Advanced for Reengrossment 1509
Mar. 28 Correctly Reengrossed 1637
Mar. 28 ER9157 change 1638
Apr. 3 Final Reading w/E 41-1-7 1832
Apr. 3 Speaker signed 1842
Apr. 3 Presented to Governor (4/3) 1845
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 701. By Wickersham

Jan. 3 Title 45
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 701A. By Wickersham

Jan. 3 Title 45
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 702. By Wickersham

Jan. 3 Title 45
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 703. By Wesely, at the request of the Governor

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 705. By Hartnett, Crosby

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 708. By Hartnett, Bromm

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 710. By Nebraska Retirement Systems Committee

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 711. By Will, Crosby

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 713. By Kristensen

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 714. By Kristensen

Jan. 3 Title 46
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 715. By Transportation Committee

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 716. By Wickersham, Beutler, Bromm, Matzke

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 717. By Schimek

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2104

LEGISLATIVE BILL 719. By Wehrbein

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 720. By Wehrbein

Jan. 3 Title 47
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 721. By Wehrbein

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 722. By Wehrbein

Jan. 3 Title 47
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 723. By Pedersen

Jan. 3 Title 48
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 725. By Fisher

Jan. 3 Title 48
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 727. By Witek

Jan. 3 Title 48
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 731. By Kristensen, Bromm, Maurstad

Jan. 3 Title 48
Feb. 21 Natural Resources Committee priority bill 866
Apr. 1 Placed on General File - Com AM4137 1673
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 733. By Hartnett, Avery, Kristensen, McKenzie, Robinson

Jan. 3 Title 48
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 734. By Bromm

Jan. 3 Title 48
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 736. By Lynch

Jan. 3 Title 48
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 740. By McKenzie

Jan. 3 Title 48
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 741. By McKenzie

Jan. 3 Title 49
Feb. 14 Indefinitely postponed 788

LEGISLATIVE BILL 744. By Warner

Jan. 3 Title 49
Feb. 29 Indefinitely postponed 979

LEGISLATIVE BILL 745. By Warner

Jan. 3 Title 49
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 747. By Robak

Jan. 3 Title 49
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 748. By Landis

Jan. 3 Title 49
Jan. 26 Landis AM2645 printed 635
Feb. 20 Banking, Commerce and Insurance Committee priority bill 848
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 749. By Landis

Jan. 3 Title 49
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 750. By Landis, Schimek, Vrtiska, Preister

Jan. 3 Title 49
Jan. 19 Committee AM0941 p. 1112, First Session, adopted. Beutler pending FA233 p. 2308, First Session, withdrawn. Landis AM2833 adopted. Advanced for Review 526
Jan. 24 Placed on Select File - AM7177 589
Apr. 2 Landis AM4332 printed separate 1791
Apr. 2 Lindsay AM4346 and AM4347 printed 1816
Apr. 2 Lindsay AM4343 printed 1820
Apr. 4 Landis motion to suspend germaneness rule to take up AM4332 p. 1791 printed 1889
Apr. 9 AM7177 (E & R) adopted. Landis request to substitute amendment. Lindsay objection. Landis pending motion p. 1889 prevailed. Landis request to substitute amendment prevailed. Landis pending AM4332 p. 1791 withdrawn. Landis substitute AM4434 (on file) adopted as amended by Landis FA632. Lindsay FA631 lost. Lindsay motion to suspend rules to allow consideration of AM4438 lost. Lindsay pending AM4346 p. 1816 withdrawn. Lindsay motion to suspend rules to allow consideration of AM4347 p. 1816 lost. Lindsay pending AM4343 p. 1820 withdrawn. Landis motion to suspend rules and vote without further debate prevailed. Advanced for Engrossment 1933
Apr. 9 Lindsay motion to suspend rules and permit consideration of AM4443 printed. Lindsay AM4443 (on file), AM4441, and FA635 printed. Lindsay motion to bracket until 6/1/96 printed 1945
Apr. 9 Correctly Engrossed. ER9188 change 1951
Apr. 9 Landis motion to suspend rules and allow vote on Final Reading without amendments or motion printed 1958
Apr. 10 Lindsay motion to suspend rules to permit consideration of AM4396 printed. Lindsay AM4396 printed 1979
Apr. 11 Lindsay motion to return to Select File for pending FA635 p. 1945 withdrawn. Lindsay

pending AM4441 and AM4443 p. 1945, and AM4396 p. 1979 withdrawn. Lindsay pending motions p. 1945 and p. 1979 withdrawn. Landis pending motion p. 1958 withdrawn. Final Reading 31-10-8 2035
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 11 Vrtiska name withdrawn 2079
Apr. 18 Approved by Governor (4/17) 2091
(Provisions/portions of LB 1088 amended into LB 750 by AM4434)

LEGISLATIVE BILL 754. By Bohlke

Jan. 3 Title 49
Jan. 24 Placed on General File - Com AM2897 599
Jan. 25 Hilgert priority bill 603
Feb. 1 Bernard-Stevens FA411, FA412, and FA414 printed 676
Feb. 2 Bernard-Stevens FA418, FA419, and FA420 printed 696
Feb. 5 Committee AM2897 adopted. Bernard-Stevens pending FA411 p. 676 lost. Bernard-Stevens pending FA418 p. 696 adopted. Bernard-Stevens pending FA419 p. 696 lost as amended by Chambers FA427. Bernard-Stevens FA426 and FA430 pending 702
Feb. 5 Chambers FA428 printed 710
Feb. 5 Chambers FA429 and McKenzie FA431 printed 711
Feb. 12 Bernard-Stevens pending FA430 withdrawn. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending FA426 p. 704 withdrawn. McKenzie substitute FA431 p. 711, Bohlke FA435 and FA436 adopted. Advanced for Review 756
Feb. 21 Placed on Select File - AM7202 849
Feb. 22 Hilgert name added 885
Mar. 4 Bernard-Stevens AM3336 to AM7202 printed 1019
Mar. 4 Bohlke-Hilgert-Bernard-Stevens AM3238 to AM7202 printed 1021
Mar. 4 Bohlke-Bernard-Stevens AM3498 to AM7202 printed 1024
Mar. 12 Bernard-Stevens AM3749 to AM7202 printed 1179
Mar. 27 AM7202 (E & R) adopted. Bernard-Stevens pending FA412 and FA414 p. 676, FA420 p. 696, Chambers pending FA428 p. 710, FA429 p. 711, and Bernard-Stevens pending AM3749 p. 1179 withdrawn. Bernard-Stevens pending AM3336 p. 1019, Bohlke et al pending AM3238 p. 1021, and

Bohlke-Bernard-Stevens pending AM3498
p. 1024 adopted. Advanced for Engrossment 1601
Apr. 1 Correctly Engrossed 1725
Apr. 1 ER9163 change 1726
Apr. 3 Bernard-Stevens FA617 printed 1867
Apr. 9 Bernard-Stevens pending FA617 p. 1867
withdrawn. Final Reading 42-3-4 1967
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 754A. By Bohlke

Feb. 2 Read first time. Placed on General File 687
Feb. 12 Advanced for Review 757
Feb. 21 Placed on Select File 852
Mar. 27 Advanced for Engrossment 1601
Apr. 1 Correctly Engrossed 1725
Apr. 9 Final Reading 44-2-3 1968
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 763. By Landis

Jan. 3 Title 50
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 764. By Beutler

Jan. 3 Title 50
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 765. By General Affairs Committee

Jan. 3 Title 50
Jan. 3 Attorney General's Opinion #95085 to Crosby 128
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 766. By Day, Brown, Jones, Pedersen, Pirsch, Schrock

Jan. 3 Title 50
Jan. 4 Kristensen name added 243
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 766A. By Day

Jan. 3 Title 50
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 767. By Schellpeper, Elmer, Engel, Fisher

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 777. By Wesely

Jan. 3 Title 51
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 778. By Wesely, Beutler

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 781. By Hall, Hartnett, Preister, Schimek

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 784. By Chambers

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 785. By Vrtiska

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 788. By Landis, Fisher, at the request of the Governor

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 789. By Bohlke, McKenzie, Robinson

Jan. 3 Title 51
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 790. By Warner

Jan. 3 Title 52
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 792. By Warner

Jan. 3 Title 52
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 793. By Wesely

Jan. 3 Title 52
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 796. By Wesely

Jan. 3 Title 52
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 799. By Cudaback, Lynch

Jan. 3 Title 52
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 803. By Beutler

Jan. 3 Title 52
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 804. By Urban Affairs Committee, and Withem

Jan. 3 Title 52
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 806. By Urban Affairs Committee, and Withem

Jan. 3 Title 53
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 809. By Crosby

Jan. 3 Title 53
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 810. By Janssen, Bohlke

Jan. 3 Title 53
Feb. 6 Placed on General File 722
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 811. By Bromm, Coordsen, Cudaback, Dierks, Hudkins, Jones, Schellpeper, Schrock, Stuhr, Wehrbein, Wickersham

Jan. 3 Title 53
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 817. By Hall, Will

Jan. 3 Title 53
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 818. By Hall, Bohlke, McKenzie

Jan. 3 Title 53
Mar. 5 Indefinitely postponed 1053

LEGISLATIVE BILL 820. By Hall, Robinson

Jan. 3 Title 53
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 825. By Schimek

Jan. 3 Title 53
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 827. By Cudaback

Jan. 3 Title 54
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 836. By Wesely

Jan. 3 Title 54
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 838. By Wesely

Jan. 3 Title 54
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 839. By Wesely

Jan. 3 Title 54
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 842. By Jones, Bernard-Stevens, Bohlke, Day, Dierks, Fisher, Kristensen, Maurstad, McKenzie, Pirsch, Robinson, Schmitt, Wesely

Jan.	3	Title	55
Jan.	26	Placed on General File	626
Feb.	28	Abboud name added	977
Mar.	6	Advanced for Review	1060
Mar.	6	Pedersen name added	1067
Mar.	7	Placed on Select File	1105
Mar.	14	Advanced for Engrossment	1248
Mar.	20	Correctly Engrossed	1384
Mar.	28	Final Reading 41-0-8	1629
Mar.	28	Speaker signed	1651
Mar.	28	Presented to Governor (3/28)	1655
Apr.	2	Approved by Governor (4/1)	1766

LEGISLATIVE BILL 843. By Dierks, Crosby, Lindsay

Jan.	3	Title	55
Feb.	7	Indefinitely postponed	739

LEGISLATIVE BILL 844. By Hall, Wickersham

Jan.	3	Title	55
Jan.	23	Indefinitely postponed	556

LEGISLATIVE BILL 845. By Bohlke, Cudaback, Jones, McKenzie, Robak, Robinson

Jan.	3	Title	55
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 847. By Wickersham, at the request of the Governor

Jan.	3	Title	55
Jan.	3	Wickersham AM2684 printed separate	201
Jan.	9	Committee AM0867 p. 1166 , First Session, adopted. Wickersham pending AM2684 p. 201 adopted. Advanced for Review	358
Jan.	18	Placed on Select File - AM7173 (printed separate)	520
Jan.	23	Wickersham AM2864 to AM7173 printed	557
Jan.	24	Wickersham AM2869 printed separate	582
Jan.	25	AM7173 (E & R) adopted. Wickersham request to substitute amendment prevailed. Wickersham pending AM2864 p. 557 withdrawn. Wickersham substitute AM2892 and pending AM2869 p. 582	

adopted. Advanced for Engrossment 612
Feb. 2 Correctly Engrossed. ER9114 change 694
Apr. 1 Final Reading 42-0-7 1680
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 9 Approved by Governor (4/3) 1914
(Provisions/portions of LB 368 amended into LB 847 by AM2684)
(Provisions/portions of LB 528 amended into LB 847 by AM2684)
(Provisions/portions of LB 562 amended into LB 847 by AM2684)
(Provisions/portions of LB 986 amended into LB 847 by AM2869)
(Provisions/portions of LB 1075 amended into LB 847 by AM2869)

LEGISLATIVE BILL 847A. By Wickersham

Jan. 24 Read first time. Placed on General File 579
Jan. 25 Advanced for Review 606
Jan. 26 Placed on Select File 635
Mar. 12 Wickersham AM3684 printed 1193
Mar. 20 Wickersham pending AM3684 p. 1193
adopted. Advanced for Engrossment 1328
Mar. 21 Correctly Engrossed 1411
Apr. 1 Final Reading 42-0-7 1681
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 9 Approved by Governor with line-item veto (4/4) 1914
Apr. 23 Communication 2112
Apr. 23 Message from Secretary of State 2114

LEGISLATIVE BILL 849. By Bohlke, Day

Jan. 3 Title 55
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 852. By Bohlke, Crosby

Jan. 3 Title 55
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 854. By Beutler

Jan. 3 Title 56
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 854 amended into LB 296 by AM2597)

LEGISLATIVE BILL 855. By Elmer, Wehrbein

Jan. 3 Title 56
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 858. By Maurstad

Jan. 3 Title 56
Feb. 7 Indefinitely postponed 739

LEGISLATIVE BILL 859. By Bohlke, Bromm, Hall, Hudkins, Lindsay, Robinson, Day

Jan. 3 Title 56
Mar. 7 Hudkins name withdrawn 1128
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 859A. By Bohlke

Jan. 3 Title 56
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 865. By Lindsay

Jan. 3 Title 56
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 866. By Lindsay

Jan. 3 Title 56
Jan. 24 Judiciary Committee priority bill 601
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 867. By Lindsay

Jan. 3 Title 56
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 869. By Lindsay

Jan. 3 Title 57
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 870. By McKenzie, Beutler, Bohlke, Bromm, Coordsen, Cudaback, Day, Dierks, Elmer, Engel, Hall, Hartnett, Hudkins, Janssen, Jones, Robak, Robinson, Schrock, Vrtiska, Wickersham

Jan. 3 Title 57
Jan. 16 Indefinitely postponed 427

LEGISLATIVE BILL 876. By Lindsay

Jan. 3 Title 57
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 877. By Lindsay

Jan. 3 Title 57
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 878. By Lindsay

Jan. 3 Title 57
Feb. 1 Hillman AM2807 printed 677
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 879. By Lindsay

Jan. 3 Title 57
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 880. By Lindsay

Jan. 3 Title 57
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 881. By Lindsay

Jan. 3 Title 58
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 882. By Fisher, Lindsay

Jan. 3 Title 58
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 884. By Lindsay

Jan. 3 Title 58
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 885. By Day, at the request of the Governor

Jan. 3 Title 58
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 886. By Hall, Warner, at the request of the Governor

Jan. 3 Title 58
Jan. 3 Witek FA369, FA370, and FA371 printed.

Witek AM2687 (on file) printed 201
Jan. 4 Chambers pending AM2429 p. 2437, First Session, withdrawn. Witek pending FA369 p. 201 lost. Pending 208
Jan. 4 Witek AM2687 p. 201 lost. Pending 214
Jan. 4 Witek request to substitute amendment prevailed. Witek pending FA370 p. 201 withdrawn. Witek substitute FA373 lost. Witek pending FA371 p. 201 and Chambers FA374 withdrawn. Warner AM2678, Chambers FA375 and FA377 to committee AM1606 adopted. Chambers reoffered AM2429 p. 2437, First Session, and FA376 lost. Pending 232
Jan. 4 Chambers FA378 and Schimek FA379 lost. Committee AM1606 p. 1730, First Session, adopted as amended by Chambers FA380. Chambers motion to bracket pending 239
Jan. 5 Chambers pending motion p. 241 withdrawn. Chambers FA381 lost. Pending 247
Jan. 5 Chambers reoffered AM2429 p. 2437, First Session, and motion to reconsider vote on AM2429 lost. Warner motion to invoke cloture prevailed. Advanced for Review 252
Jan. 5 Chambers FA385 printed 263
Jan. 9 Placed on Select File - AM7166 360
Jan. 17 Witek AM2753 printed 461
Jan. 18 Warner AM2767 printed 520
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 890. By Executive Board

Jan. 3 Read first time 178
Jan. 5 Placed on General File 245
Jan. 18 Beutler AM2810 adopted. Advanced for Review 467
Jan. 23 Placed on Select File - AM7174 550
Jan. 25 AM7174 (E & R) adopted. Advanced for Engrossment 615
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 37-0-12 727
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 891. By Executive Board

Jan. 3 Read first time 178
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 467

Jan.	23	Placed on Select File	550
Jan.	25	Advanced for Engrossment	615
Feb.	1	Correctly Engrossed	682
Feb.	7	Final Reading 38-0-11	728
Feb.	8	President signed	743
Feb.	8	Presented to Governor (2/8)	750
Feb.	12	Approved by Governor (2/12)	764

LEGISLATIVE BILL 892. By Executive Board

Jan.	3	Read first time	178
Jan.	5	Placed on General File	245
Jan.	18	Advanced for Review	467
Jan.	23	Placed on Select File	550
Jan.	25	Advanced for Engrossment	615
Feb.	1	Correctly Engrossed	682
Feb.	7	Final Reading 40-0-9	728
Feb.	8	President signed	743
Feb.	8	Presented to Governor (2/8)	750
Feb.	12	Approved by Governor (2/12)	764

LEGISLATIVE BILL 893. By Executive Board

Jan.	3	Read first time	178
Jan.	5	Placed on General File	245
Jan.	18	Advanced for Review	467
Jan.	23	Placed on Select File	550
Jan.	25	Advanced for Engrossment	615
Feb.	1	Correctly Engrossed	682
Feb.	7	Final Reading 39-0-10	729
Feb.	8	President signed	743
Feb.	8	Presented to Governor (2/8)	750
Feb.	12	Approved by Governor (2/12)	764

LEGISLATIVE BILL 894. By Executive Board

Jan.	3	Read first time	178
Jan.	5	Placed on General File	245
Jan.	18	Advanced for Review	467
Jan.	23	Placed on Select File	551
Jan.	25	Advanced for Engrossment	615
Feb.	1	Correctly Engrossed	682
Feb.	7	Final Reading 40-0-9	730
Feb.	8	President signed	743
Feb.	8	Presented to Governor (2/8)	750
Feb.	12	Approved by Governor (2/12)	764

LEGISLATIVE BILL 895. By Executive Board

Jan. 3 Read first time 178
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 467
Jan. 23 Placed on Select File 551
Jan. 25 Advanced for Engrossment 615
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 39-0-10 731
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 896. By Executive Board

Jan. 3 Read first time 179
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 467
Jan. 23 Placed on Select File - AM7175 551
Jan. 25 AM7175 (E & R) adopted.
Advanced for Engrossment 616
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 38-0-11 731
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 897. By Executive Board

Jan. 3 Read first time 179
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 468
Jan. 23 Placed on Select File 551
Jan. 25 Advanced for Engrossment 616
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 38-0-11 732
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 898. By Executive Board

Jan. 3 Read first time 179
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 468
Jan. 23 Placed on Select File - AM7176 551
Jan. 25 AM7176 (E & R) adopted.
Advanced for Engrossment 616
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 39-0-10 733
Feb. 8 President signed 743

Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 899. By Executive Board

Jan. 3 Read first time 179
Jan. 5 Placed on General File 245
Jan. 18 Advanced for Review 468
Jan. 23 Placed on Select File 552
Jan. 25 Advanced for Engrossment 616
Feb. 1 Correctly Engrossed 682
Feb. 7 Final Reading 39-0-10 733
Feb. 8 President signed 743
Feb. 8 Presented to Governor (2/8) 750
Feb. 12 Approved by Governor (2/12) 764

LEGISLATIVE BILL 900. By Bohlke

Jan. 3 Read first time 179
Jan. 5 Referred to Committee on Education 245
Jan. 5 Education Committee priority bill 247
Jan. 8 Notice of hearing (1/16) 335
Jan. 17 Placed on General File - Com AM2793 452
Jan. 18 Bernard-Stevens motion to override Speaker's agenda withdrawn. Committee AM2793 adopted. Advanced for Review 468
Jan. 24 Placed on Select File - AM7178 586
Jan. 25 AM7178 (E & R) adopted. Advanced for Engrossment 616
Feb. 5 Correctly Engrossed 706
Feb. 5 ER9115 change 707
Feb. 27 Final Reading 39-0-10 936
Feb. 27 Speaker signed 939
Feb. 28 Presented to Governor (2/27) 962
Mar. 4 Approved by Governor (2/29) 999

LEGISLATIVE BILL 901. By Chambers

Jan. 3 Read first time 181
Jan. 5 Referred to Committee on Transportation 245
Jan. 11 Notice of hearing (1/23) 410
Feb. 6 Chambers priority bill 718
Feb. 7 Maurstad name added 740
Feb. 13 Placed on General File - Com AM3071 (printed separate) 780
Feb. 28 Wickersham AM3277 to committee AM3071 printed ... 975
Feb. 28 Elmer FA470 and Chambers FA471 to committee AM3071 printed 976
Feb. 29 Schrock FA475 and Abboud AM3418 to

committee AM3071 printed 982
Feb. 29 Elmer FA478 to committee AM3071 printed 997
Mar. 4 Robinson AM3494 to committee AM3071 printed 1012
Mar. 4 Elmer pending FA470 and Chambers pending FA471 p. 976 withdrawn. Pending 1024
Mar. 6 Schrock pending FA475 p. 982 to committee AM3071 adopted. Robinson pending AM3494 p. 1012 withdrawn. Engel FA490 to committee AM3071 pending 1064
Mar. 6 Engel pending FA490 p. 1064 lost. Pending 1068
Mar. 6 Committee AM3071 adopted as amended by Chambers FA491. Chambers FA492 and Wickersham pending AM3277 p. 975 lost 1071
Mar. 6 Avery AM3572 and FA493 printed 1084
Mar. 7 McKenzie motion to reconsider vote on AM3277 p. 975 laid over 1107
Mar. 11 Wickersham AM3638 and AM3614 printed 1142
Mar. 12 McKenzie pending motion p. 1107 lost. Pending 1195
Mar. 12 Elmer pending FA478 p. 997 adopted. Avery request to substitute amendment prevailed. Avery pending AM3572 p. 1084 withdrawn. Avery substitute FA536 withdrawn. Wickersham pending AM3638, AM3614 p. 1142, and Avery pending FA493 p. 1084 withdrawn. Chambers FA537 adopted as amended by Maurstad FA538. Advanced for Review 1202
Mar. 14 Placed on Select File - AM7238 (printed separate) 1273
Mar. 19 Kristensen AM3910 to AM7238 printed 1316
Mar. 19 Coordsen AM3908 to AM7238 printed 1317
Mar. 27 AM7238 (E & R) adopted. Abboud pending AM3418 p. 982 withdrawn. Kristensen pending AM3910 p. 1316 and Coordsen pending AM3908 p. 1317 adopted. Stuhr FA596 lost. Advanced for Engrossment 1611
Apr. 2 Correctly Engrossed 1784
Apr. 2 ER9160 change 1785
Apr. 2 Withem AM4356 printed 1814
Apr. 9 Returned to Select File for Withem amendment. Withem pending AM4356 p. 1814 adopted. Advanced for Reengrossment 1946
Apr. 9 Correctly Reengrossed 1976
Apr. 11 Failed on Final Reading w/E 27-16-6 2037
Apr. 11 Coordsen motion to reconsider action on Final Reading prevailed. Final Reading w/E 34-15-0 2038
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

(Provisions/portions of LB 38 amended into LB 901 by AM3071)
(Provisions/portions of LB 920 amended into LB 901 by AM3071)

LEGISLATIVE BILL 902. By Chambers

Jan. 3 Read first time 181
Jan. 5 Referred to Committee on Nebraska Retirement Systems 245
Jan. 30 Notice of hearing (2/15) 649
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 903. By Chambers

Jan. 3 Read first time 181
Jan. 5 Referred to Committee on Business and Labor 245
Jan. 25 Notice of hearing (2/5) 609
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 904. By Chambers

Jan. 3 Read first time 181
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 245
Jan. 18 Notice of hearing (1/25) 480
Feb. 13 Placed on General File 766
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 905. By Chambers

Jan. 3 Read first time 182
Jan. 5 Referred to Committee on Judiciary 245
Jan. 10 Notice of hearing (1/18) 367
Jan. 23 Placed on General File 560
Feb. 8 Advanced for Review 748
Feb. 15 Placed on Select File - AM7201 821
Feb. 28 Pirsch-Brown FA465 and FA466 printed 974
Mar. 7 AM7201 (E & R) adopted. Pirsch-Brown pending FA465 p. 974 pending 1086
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 906. By Chambers

Jan. 3 Read first time 182
Jan. 5 Referred to Committee on Judiciary 245
Jan. 11 Notice of hearing (1/19) 409
Jan. 23 Placed on General File 560
Feb. 8 Kristensen AM3093 adopted.

		Advanced for Review	748
Feb.	15	Placed on Select File - AM7200	821
Feb.	28	AM7200 (E & R) adopted. Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	22	Final Reading 35-0-14	1439
Mar.	22	President signed	1448
Mar.	22	Presented to Governor (3/22)	1453
Mar.	25	Approved by Governor (3/25)	1493

LEGISLATIVE BILL 907. By Chambers

Jan.	3	Read first time	182
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	245
Jan.	18	Notice of hearing (1/25)	480
Feb.	15	Indefinitely postponed	808

LEGISLATIVE BILL 908. By Lindsay

Jan.	3	Read first time	182
Jan.	5	Referred to Committee on Judiciary	245
Jan.	11	Notice of hearing (1/19)	409
Jan.	23	Placed on General File - Com AM2843	560
Feb.	14	Committee AM2843 adopted. Advanced for Review	788
Feb.	21	Placed on Select File - AM7203	864
Feb.	28	AM7203 (E & R) adopted. Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	5	ER9131 change	1050
Mar.	14	Final Reading 43-0-6	1250
Mar.	14	Speaker signed	1261
Mar.	14	Presented to Governor (3/14)	1266
Mar.	14	Pedersen explanation of vote	1271
Mar.	19	Approved by Governor (3/19)	1301

LEGISLATIVE BILL 909. By Lindsay

Jan.	3	Read first time	182
Jan.	5	Referred to Committee on Judiciary	245
Jan.	10	Notice of hearing (1/17)	366
Jan.	11	Brashear name added	413
Jan.	23	Placed on General File	560
Feb.	14	Advanced for Review	788
Feb.	21	Placed on Select File	864
Feb.	28	Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	14	Final Reading 42-0-7	1251
Mar.	14	Speaker signed	1261

Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 910. By Lindsay

Jan. 3 Read first time 182
Jan. 5 Referred to Committee on General Affairs 245
Jan. 24 Will name added 599
Feb. 15 Notice of hearing (2/26) 816
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 911. By Lindsay

Jan. 3 Read first time 182
Jan. 5 Referred to Committee on Judiciary 245
Jan. 8 Witek name added 334
Jan. 11 Notice of hearing (1/19) 409
Feb. 28 Placed on General File 971
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 912. By Lindsay

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Judiciary 245
Jan. 10 Notice of hearing (1/17) 366
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 913. By Lindsay

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Judiciary 245
Jan. 11 Notice of hearing (1/19) 409
Jan. 17 Lindsay AM2784 printed 461
Jan. 23 Indefinitely postponed 560

LEGISLATIVE BILL 914. By Chambers

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Business and Labor 245
Jan. 25 Notice of hearing (2/12) 609
Feb. 13 Placed on General File 784
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 915. By Robak

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on General Affairs 245
Jan. 22 Hilgert name added 549

Jan. 24 Attorney General's Opinion #96007 to Schellpeper 573
Jan. 25 Notice of hearing (2/12) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 916. By Robak

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Transportation 245
Jan. 11 Notice of hearing (1/22) 410
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 917. By Robak

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Health and Human Services 245
Jan. 25 Notice of hearing (2/8) 624
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 918. By Robak

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Health and Human Services 245
Jan. 25 Notice of hearing (2/8) 624
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 919. By Robak

Jan. 3 Read first time 183
Jan. 5 Referred to Committee on Judiciary 245
Feb. 14 Notice of hearing (2/21) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 920. By Maurstad

Jan. 3 Read first time 184
Jan. 5 Referred to Committee on Transportation 245
Jan. 11 Notice of hearing (1/23) 410
Feb. 20 Indefinitely postponed 830
(Provisions/portions of LB 920 amended into LB 902 by AM3071)

LEGISLATIVE BILL 921. By Maurstad

Jan. 3 Read first time 184
Jan. 5 Referred to Committee on Revenue 245
Jan. 10 Notice of hearing (1/17) 368
Jan. 19 Placed on General File - Com AM2827 533
Feb. 8 Committee AM2827 adopted. Advanced for Review 745

Feb. 14 Placed on Select File - AM7193 799
Feb. 28 AM7193 (E & R) adopted.
Advanced for Engrossment 965
Mar. 5 Correctly Engrossed 1028
Mar. 14 Final Reading w/E 45-0-4 1251
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 922. By Landis

Jan. 3 Read first time 184
Jan. 5 Referred to Committee on Appropriations 245
Jan. 17 Notice of hearing (1/24) 453
Feb. 1 Placed on General File 682
Mar. 7 Advanced for Review 1087
Mar. 13 Placed on Select File - AM7229 1225
Mar. 14 AM7229 (E & R) adopted.
Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 40-0-9 1630
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 922A. By Landis

Feb. 5 Read first time. Placed on General File 710
Mar. 7 Advanced for Review 1087
Mar. 13 Placed on Select File 1225
Mar. 14 Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 40-0-9 1630
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 923. By Landis

Jan. 3 Read first time 184
Jan. 5 Referred to Committee on Natural Resources 245
Jan. 10 Notice of hearing (1/17) 367
Jan. 25 Placed on General File - Com AM2886 619
Mar. 6 Committee AM2886 adopted. Advanced for Review ... 1059
Mar. 6 Witek explanation of vote 1063
Mar. 7 Placed on Select File - AM7222 1105
Mar. 14 AM7222 (E & R) adopted. Schrock AM3811

		withdrawn. Advanced for Engrossment	1247
Mar.	20	Correctly Engrossed	1384
Mar.	28	Final Reading w/E 40-0-9	1631
Mar.	28	Speaker signed	1651
Mar.	28	Presented to Governor (3/28)	1655
Apr.	2	Approved by Governor (4/1)	1766

LEGISLATIVE BILL 924. By Abboud, Schimek

Jan.	3	Read first time	184
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	245
Jan.	11	Notice of hearing (1/18)	382
Jan.	30	Indefinitely postponed	648

LEGISLATIVE BILL 925. By Schimek, Abboud

Jan.	3	Read first time	184
Jan.	5	Referred to Committee on Business and Labor	245
Jan.	10	Notice of hearing (1/22)	367
Jan.	23	Placed on General File	561
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 926. By Brashear

Jan.	3	Read first time	185
Jan.	5	Referred to Committee on Judiciary	245
Jan.	10	Notice of hearing (1/17)	366
Jan.	23	Placed on General File	560
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 927. By Brashear, Lindsay

Jan.	3	Read first time	185
Jan.	4	Robinson name added	231
Jan.	5	Referred to Committee on Judiciary	245
Jan.	10	Notice of hearing (1/18)	367
Jan.	11	Notice of hearing (1/19) (Reset)	409
Jan.	22	Hilgert name added	549
Jan.	30	Placed on General File - Com AM2915	644
Feb.	8	Will name added	751
Feb.	20	Robinson priority bill	848
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 927A. By Brashear

Feb.	27	Read first time. Placed on General File	930
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 928. By Fisher

Jan. 3 Read first time 185
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 245
Jan. 11 Notice of hearing (1/19) 382
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 929. By Fisher

Jan. 3 Read first time 185
Jan. 5 Referred to Committee on Judiciary 245
Jan. 10 Notice of hearing (1/18) 367
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 930. By Fisher

Jan. 3 Read first time 185
Jan. 5 Referred to Committee on Revenue 245
Jan. 24 Fisher priority bill 568
Feb. 1 Notice of hearing (2/8) 681
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 931. By Fisher

Jan. 3 Read first time 185
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 245
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 452
Mar. 28 Advanced for Review 1622
Apr. 1 Placed on Select File 1684
Apr. 2 Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading w/E 41-0-8 1981
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 932. By Cudaback

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on General Affairs 245
Jan. 11 Notice of hearing (1/22) 381
Feb. 1 Placed on General File 670
Mar. 12 Maurstad AM3017 printed 1184
Mar. 14 Maurstad pending AM3017 p. 1184

adopted. Advanced for Review 1249
Mar. 19 Placed on Select File - AM7244 1302
Mar. 26 AM7244 (E & R) adopted.
Advanced for Engrossment 1517
Apr. 1 Correctly Engrossed 1687
Apr. 4 Final Reading 38-2-9 1880
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 933. By Cudaback

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on General Affairs 245
Jan. 11 Notice of hearing (1/22) 381
Jan. 23 Placed on General File 561
Feb. 14 Advanced for Review 788
Feb. 21 Placed on Select File 865
Feb. 28 Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 14 Final Reading 43-1-5 1252
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 934. By Wickersham

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on Revenue 245
Jan. 10 Notice of hearing (1/17) 367
Jan. 19 Placed on General File 530
Feb. 8 Advanced for Review 744
Feb. 14 Placed on Select File 797
Feb. 28 Advanced for Engrossment 964
Mar. 4 Correctly Engrossed 1013
Mar. 11 Final Reading 42-0-7 1137
Mar. 11 President signed 1141
Mar. 11 Presented to Governor (3/11) 1152
Mar. 13 Approved by Governor (3/13) 1233

LEGISLATIVE BILL 935. By Crosby

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on Education 245
Jan. 11 Notice of hearing (1/22) 385
Jan. 23 Indefinitely postponed 553

LEGISLATIVE BILL 936. By Kristensen, Withem

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 245
Jan. 10 Notice of hearing (1/17) 368
Jan. 30 Placed on General File 648
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 937. By Kristensen

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on Judiciary 245
Feb. 14 Notice of hearing (2/23) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 938. By Kristensen

Jan. 3 Read first time 186
Jan. 5 Referred to Committee on Transportation 246
Jan. 11 Notice of hearing (1/22) 410
Jan. 23 Placed on General File 556
Feb. 8 Advanced for Review 747
Feb. 13 Kristensen AM3102 printed 767
Feb. 15 Placed on Select File - AM7198 820
Feb. 28 AM7198 (E & R) adopted. Kristensen pending AM3102 p. 767 adopted. Advanced for Engrossment 966
Mar. 5 Correctly Engrossed 1049
Mar. 5 ER9123 change 1050
Mar. 22 Final Reading w/E 37-0-12 1440
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493
(Provisions/portions of LB 323 amended into LB 938 by AM3102)

LEGISLATIVE BILL 939. By Kristensen, Crosby

Jan. 3 Read first time 187
Jan. 5 Referred to Committee on Transportation 246
Jan. 8 Notice of hearing (1/16) 335
Jan. 11 Crosby priority bill 381
Jan. 17 Placed on General File 457
Jan. 17 Pedersen name added 463
Jan. 26 Advanced for Review 634
Jan. 30 Placed on Select File - AM7181 653
Feb. 7 AM7181 (E & R) adopted. Advanced for Engrossment 736
Feb. 12 Correctly Engrossed 757
Feb. 23 Final Reading w/E 38-0-11 888

Feb. 26 President signed 907
Feb. 26 Pedersen explanation of vote 909
Feb. 26 Presented to Governor (2/26) 910
Feb. 26 Approved by Governor (2/26) 918
Mar. 4 Bohlke explanation of vote 1001

LEGISLATIVE BILL 940. By Schimek

Jan. 3 Read first time 187
Jan. 5 Referred to Committee on Health and Human Services 246
Jan. 10 Notice of hearing (1/17) 367
Feb. 23 Placed on General File - Com AM3226 891
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 941. By Hudkins

Jan. 3 Read first time 187
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 246
Jan. 11 Notice of hearing (1/22) 409
Jan. 22 Vrtiska name added 549
Jan. 25 Indefinitely postponed 609

LEGISLATIVE BILL 942. By Hudkins

Jan. 3 Read first time 187
Jan. 5 Referred to Committee on Judiciary 246
Jan. 18 Notice of hearing (1/25) 480
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 943. By Hudkins, Stuhr

Jan. 3 Read first time 187
Jan. 5 Referred to Committee on Judiciary 246
Jan. 16 Stuhr priority bill 427
Jan. 25 Notice of hearing (2/1) 618
Feb. 22 Stuhr motion to place on General File pursuant to Rule 3, Sec. 19(b) laid over 885
Feb. 26 Indefinitely postponed 919
Feb. 29 Stuhr pending motion p. 885 ruled out of order. Point of order by Lindsay. Challenge of Chair lost 991
Feb. 29 Stuhr motion to place on General File pursuant to Rule 3, Sec. 17 laid over 997
Mar. 6 Stuhr pending motion p. 997 prevailed. Placed on General File 1064
Mar. 6 Bernard-Stevens motion to reconsider action

to place on General File laid over 1071
Mar. 7 Bernard-Stevens pending motion p. 1071 prevailed 1095
Mar. 7 Stuhr reconsidered motion p. 997 and considered on p. 1064 passed over 1096

LEGISLATIVE BILL 944. By Witek

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Education 246
Jan. 22 Notice of hearing (2/20) 544
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 945. By Witek

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Revenue 246
Feb. 6 Notice of hearing (2/15) 722
Feb. 27 Indefinitely postponed 929

LEGISLATIVE BILL 946. By Schimek

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Transportation 246
Jan. 8 Notice of hearing (1/16) 335
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 947. By Pirsch, Bromm, Cudaback, Dierks, Hudkins, Jensen, Jones, Pedersen, Schmitt, Witek

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Judiciary 246
Jan. 18 Notice of hearing (1/25) 480
Feb. 5 Indefinitely postponed 706

LEGISLATIVE BILL 948. By Pirsch

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 246
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 452
Jan. 18 Advanced for Review 468
Jan. 24 Placed on Select File 589
Jan. 25 Advanced for Engrossment 616
Feb. 5 Correctly Engrossed 706
Feb. 22 Pirsch-Witek-Jensen-Landis-Fisher-Wesely-Lindsay AM3012 printed separate 877
Feb. 23 Pirsch motion to return to Select File

for Pirsch et al AM3012 pending. Passed over 889
Mar. 7 Chambers FA496, FA497, FA498, FA499, and FA500 to AM3012 printed 1100
Mar. 7 Chambers FA501, FA502, FA503, FA504, FA505, FA506, FA507, FA508, FA509, and FA510 to AM3012 printed 1101
Mar. 7 Chambers FA511, FA512, FA513, FA514, FA515, FA516, FA517, FA518, and FA519 to to AM3012 printed 1102
Mar. 7 Chambers FA520 to AM3012 printed 1103
Mar. 19 Pirsch-Witek-Fisher-Wesely-Landis-Jensen-Hilgert-Lindsay-Bromm AM3842 printed separate 1312
Mar. 25 Pirsch et al pending AM3012 p. 877, and Chambers pending amendments, FA496 through FA520 pp. 1100-1103 withdrawn. Returned to Select File for Pirsch et al amendment. Pirsch et al pending AM3842 p. 1312 adopted. Advanced for Reengrossment 1510
Apr. 1 Correctly Reengrossed 1687
Apr. 1 ER9148 change 1688
Apr. 10 Final Reading w/E 46-0-3 1992
Apr. 10 Wickersham explanation of vote 2009
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 415 amended into LB 948 by AM3842)

LEGISLATIVE BILL 949. By Vrtiska

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 246
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 453
Jan. 18 Advanced for Review 469
Jan. 24 Placed on Select File 589
Jan. 25 Advanced for Engrossment 616
Feb. 5 Correctly Engrossed 706
Feb. 23 Final Reading w/E 39-0-10 889
Feb. 26 President signed 907
Feb. 26 Pedersen explanation of vote 909
Feb. 26 Presented to Governor (2/26) 910
Mar. 4 Approved by Governor (2/29) 999

LEGISLATIVE BILL 950. By Schimek, Crosby, Will

Jan. 3 Read first time 188
Jan. 5 Referred to Committee on Education 246
Jan. 9 Pedersen name added 351

Jan. 11 Notice of hearing (1/22) 385
Jan. 24 Indefinitely postponed 579

LEGISLATIVE BILL 951. By Pirsch

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Revenue 246
Jan. 24 Notice of hearing (1/31) 581
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 952. By Maurstad, Bernard-Stevens

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Judiciary 246
Jan. 9 Maurstad priority bill 359
Jan. 25 Notice of hearing (2/2) 618
Feb. 12 Indefinitely postponed 762
Feb. 12 Maurstad motion to place on General File laid over 764
Feb. 14 Maurstad pending motion p. 764 prevailed. Placed on General File 798
Feb. 15 Lindsay AM2888 printed separate. Maurstad AM3161, AM3133, and AM3206 printed 809
Feb. 15 Maurstad AM3134 printed 810
Feb. 15 Withem motion to bracket until 6/4/96 laid over 816
Mar. 4 Withem pending motion p. 816 withdrawn. Maurstad pending AM3161 p. 809 pending 1015
Mar. 4 Beutler AM3467 and AM3468 printed 1016
Mar. 4 Maurstad AM3451 and Lindsay AM3476 printed 1017
Mar. 4 Lindsay AM3441, AM3440, AM3436, AM3480, and AM3477 printed 1018
Mar. 4 Lindsay AM3479 printed. Lindsay FA481 to AM3161 pending. Chambers motion to bracket until 4/15/96 lost. Maurstad amendment to Chambers motion ruled out of order. Bracketed until 3/18/96 1019
Mar. 4 Lindsay AM3483, AM3485, AM3486, and Will AM3482 printed 1023
Mar. 20 Maurstad-Bromm-Lindsay-Beutler-Bernard-Stevens-Brashear AM3966 printed 1386
Mar. 28 Maurstad request to substitute amendment prevailed. Maurstad pending AM3161 p. 809 withdrawn. Maurstad et al substitute AM3966 p. 1386 adopted. Lindsay pending FA481 p. 1019, AM2888 p. 809, AM3476 p. 1017, AM3441, AM3440, AM3436, AM3480, AM3477 p. 1018, AM3479 p. 1019, AM3483, AM3485, and AM3486 p. 1023 withdrawn. Maurstad pending AM3133 and AM3206 p. 809, AM3134

p. 810, and AM3451 p. 1017 withdrawn.
Beutler pending AM3467 and AM3468
p. 1016, and Will pending AM3482
p. 1023 withdrawn. Advanced for Review 1646
Apr. 1 Placed on Select File - AM7279 1711
Apr. 3 AM7279 (E & R) adopted.
Advanced for Engrossment 1855
Apr. 3 Chambers name added 1870
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading w/E 48-0-1 2039
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 953. By Will, Withem

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Transportation 246
Jan. 11 Notice of hearing (1/23) 410
Jan. 24 Indefinitely postponed 589

LEGISLATIVE BILL 954. By Schimek, Matzke, Stuhr

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Health and
Human Services 246
Jan. 16 Notice of hearing (1/24) 426
Feb. 28 Placed on General File - Com AM3324 956
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 954 amended into LB 1155 by AM3560)

LEGISLATIVE BILL 955. By Witek

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Nebraska
Retirement Systems 246
Jan. 30 Notice of hearing (2/13) 649
Feb. 20 Indefinitely postponed 847

LEGISLATIVE BILL 956. By Kristensen

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Government,
Military and Veterans Affairs 246
Jan. 10 Notice of hearing (1/17) 368
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 957. By Dierks

Jan. 3 Read first time 189
Jan. 5 Referred to Committee on Judiciary 246
Jan. 11 Notice of hearing (1/19) 409
Feb. 15 Placed on General File - Com AM3213 815
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 958. By Dierks

Jan. 3 Read first time 190
Jan. 5 Referred to Committee on Revenue 246
Jan. 17 Notice of hearing (1/24) 453
Jan. 30 Indefinitely postponed 639

LEGISLATIVE BILL 959. By Bohlke, Crosby

Jan. 3 Read first time 190
Jan. 5 Referred to Committee on Judiciary 246
Feb. 1 Notice of hearing (2/8) 683
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 960. By Wesely

Jan. 3 Read first time 190
Jan. 5 Referred to Committee on Judiciary 246
Jan. 25 Notice of hearing (2/1) 618
Feb. 22 Placed on General File - Com AM3002 878
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 960 amended into LB 1055 by AM3733)

LEGISLATIVE BILL 961. By Wesely

Jan. 3 Read first time 190
Jan. 5 Referred to Committee on Health and Human Services 246
Jan. 16 Notice of hearing (1/24) 426
Feb. 2 Placed on General File 688
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 961 amended into LB 1155 by AM2921)

LEGISLATIVE BILL 962. By Stuhr

Jan. 3 Read first time 190
Jan. 5 Referred to Committee on Urban Affairs 246
Jan. 9 Notice of hearing (1/16) 351
Jan. 22 Placed on General File - Com AM2839 542
Feb. 8 Committee AM2839 adopted. Advanced for Review 746
Feb. 14 Placed on Select File - AM7195 801
Feb. 28 AM7195 (E & R) adopted.

Advanced for Engrossment 966
Mar. 5 Correctly Engrossed. ER9127 change 1028
Mar. 14 Returned to Select File for Stuhr amendment. Stuhr AM3814 adopted. Advanced for Reengrossment 1260
Mar. 20 Correctly Reengrossed. ER9141 change 1384
Mar. 28 Final Reading w/E 42-0-7 1632
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 963. By Bromm, Cudaback, Jensen, Maurstad, Pirsch, Witek

Jan. 3 Read first time 191
Jan. 5 Referred to Committee on Judiciary 246
Feb. 7 Notice of hearing (2/15) 740
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 964. By Cudaback, Dierks, Janssen, Schmitt, Vrtiska

Jan. 3 Read first time 191
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 246
Jan. 11 Notice of hearing (1/18) 382
Jan. 19 Cudaback priority bill 530
Jan. 30 Placed on General File 648
Feb. 1 Schimek FA410 adopted. Bernard-Stevens motion to indefinitely postpone withdrawn. Pending 674
Feb. 1 Chambers FA413 adopted. Pending 683
Feb. 2 Correction 686
Feb. 12 Withem AM3075 printed 764
Feb. 20 Withem pending AM3075 p. 764 adopted. Advanced for Review 836
Feb. 23 Bernard-Stevens AM3257 and Kristensen AM3033 printed 902
Feb. 26 Placed on Select File - AM7207 906
Mar. 6 Cudaback AM3505 printed 1066
Mar. 6 Witek-Bernard-Stevens AM3003 printed 1081
Mar. 7 Witek AM3605 printed 1092
Mar. 12 AM7207 (E & R) adopted. Bernard-Stevens pending AM3257 p. 902 lost. Kristensen pending AM3033 p. 902, Witek-Bernard-Stevens pending AM3003 p. 1081, and Chambers FA534 withdrawn. Cudaback pending AM3505 p. 1066 adopted. Pending 1182
Mar. 12 Beutler AM3448 printed. Schimek FA535 to

AM3605 printed 1186
Mar. 13 Schimek name added 1245
Mar. 22 Schimek pending FA535 p. 1186 withdrawn. Witek pending AM3605 p. 1092, Beutler pending AM3448 p. 1186, and Witek AM4032 adopted. Bernard-Stevens motion to indefinitely postpone lost. Maurstad FA571 lost. Bernard-Stevens motion to reconsider FA571 lost. Bernard-Stevens motion to bracket until 3/27/96 lost. Cudaback-Schimek motion to suspend rules and vote without amendment/ debate prevailed. Advanced for Engrossment 1455
Mar. 22 Bernard-Stevens FA573 printed 1468
Mar. 28 Correctly Engrossed 1637
Mar. 28 ER9145 change 1638
Apr. 9 Bernard-Stevens motion to return to Select File for pending FA573 p. 1468 withdrawn. Final Reading 30-14-5 1961
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 965. By Agriculture Committee

Jan. 3 Read first time 191
Jan. 5 Referred to Committee on Agriculture 246
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 457
Feb. 21 Agriculture Commitee priority bill 853
Mar. 13 Advanced for Review 1220
Mar. 19 Placed on Select File 1285
Mar. 26 Advanced for Engrossment 1517
Apr. 1 Correctly Engrossed 1687
Apr. 4 Final Reading 43-0-6 1881
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 966. By Agriculture Committee

Jan. 3 Read first time 191
Jan. 5 Referred to Committee on Agriculture 246
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 457
Feb. 8 Advanced for Review 744
Feb. 13 Placed on Select File - AM7184 782
Feb. 28 AM7184 (E & R) adopted. Advanced for Engrossment 964
Mar. 4 Correctly Engrossed 1013

Mar. 4 ER9129 change 1014
Mar. 11 Final Reading 41-0-8 1138
Mar. 11 President signed 1141
Mar. 11 Presented to Governor (3/11) 1152
Mar. 13 Approved by Governor (3/13) 1233

LEGISLATIVE BILL 967. By Stuhr, Bohlke, Hartnett

Jan. 3 Read first time 191
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 246
Jan. 11 Notice of hearing (1/18) 382
Jan. 23 Placed on General File - Com AM2783 552
Feb. 8 Committee AM2783 adopted. Advanced for Review 747
Feb. 15 Placed on Select File - AM7192 819
Feb. 28 AM7192 (E & R) adopted. Advanced for Engrossment 966
Mar. 5 Correctly Engrossed 1049
Mar. 5 ER9130 change 1050
Mar. 14 Final Reading 44-0-5 1253
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 968. By Schimek

Jan. 3 Read first time 192
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 246
Jan. 10 Notice of hearing (1/17) 368
Feb. 1 Placed on General File - Com AM2922 682
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 969. By Landis

Jan. 3 Read first time 192
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 246
Jan. 9 Notice of hearing (1/16) 344
Jan. 17 Placed on General File 453
Feb. 8 Advanced for Review 743
Feb. 13 Placed on Select File 782
Feb. 28 Advanced for Engrossment 963
Mar. 4 Correctly Engrossed 1013
Apr. 9 Vrtiska-Hudkins AM4424 printed 1951
Apr. 9 Vrtiska motion to return to Select File for AM4424 lost. Final Reading w/E 47-0-2 1962
Apr. 9 President signed 1978

Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 970. By Janssen, Schimek

Jan. 3 Read first time 192
Jan. 5 Referred to Committee on Health and Human Services 246
Jan. 25 Notice of hearing (2/22) 625
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 971. By Wickersham

Jan. 4 Read first time 205
Jan. 5 Referred to Committee on Revenue 246
Jan. 26 Notice of hearing (2/2) 629
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 972. By Hilgert

Jan. 4 Read first time 205
Jan. 5 Referred to Committee on Revenue 246
Jan. 9 Rereferred to Committee on Banking, Commerce and Insurance 352
Jan. 16 Notice of hearing (1/23) 416
Jan. 25 Placed on General File 608
Feb. 21 Advanced for Review 853
Feb. 23 Abboud name added 905
Feb. 26 Placed on Select File 913
Feb. 28 Wickersham FA469, Hilgert AM3380, and Schimek FA467 printed 974
Mar. 7 Wickersham pending FA469 p. 974, Hilgert pending AM3380 p. 974, and Schimek pending FA467 p. 974 withdrawn. Hilgert-Schimek AM3507 adopted. Advanced for Engrossment 1086
Mar. 13 Correctly Engrossed 1241
Mar. 13 ER9133 change 1242
Mar. 22 Final Reading w/E 41-0-8 1446
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493
(Provisions/portions of LB 1221 amended into LB 972 by AM3507)

LEGISLATIVE BILL 973. By Lindsay, Hartnett, Landis

Jan. 4 Read first time 205
Jan. 5 Referred to Committee on Banking, Commerce and Insurance 246
Jan. 16 Notice of hearing (1/23) 416

Jan.	25	Placed on General File	608
Feb.	21	Advanced for Review	853
Feb.	26	Placed on Select File - AM7211	913
Feb.	28	AM7211 (E & R) adopted. Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	14	Final Reading 44-0-5	1254
Mar.	14	Speaker signed	1261
Mar.	14	Presented to Governor (3/14)	1266
Mar.	14	Pedersen explanation of vote	1271
Mar.	19	Approved by Governor (3/19)	1301

LEGISLATIVE BILL 974. By Schmitt

Jan.	4	Read first time	205
Jan.	5	Referred to Committee on Transportation	246
Jan.	8	Notice of hearing (1/16)	335
Jan.	17	Placed on General File	457
Feb.	8	Advanced for Review	744
Feb.	13	Placed on Select File	782
Feb.	28	Beutler AM3379 adopted. Advanced for Engrossment	963
Mar.	4	Correctly Engrossed	1013
Mar.	4	ER9119 change	1014
Mar.	11	Final Reading 40-0-9	1139
Mar.	11	President signed	1141
Mar.	11	Presented to Governor (3/11)	1152
Mar.	13	Approved by Governor (3/13)	1233

LEGISLATIVE BILL 975. By Schmitt

Jan.	4	Read first time	205
Jan.	5	Referred to Committee on Transportation	246
Jan.	26	Notice of hearing (2/5)	628
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 976. By Pedersen

Jan.	4	Read first time	205
Jan.	5	Referred to Committee on Judiciary	246
Feb.	7	Notice of hearing (2/15)	740
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 977. By Maurstad

Jan.	4	Read first time	206
Jan.	5	Referred to Committee on General Affairs	246
Jan.	11	Notice of hearing (1/22)	381
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 978. By Maurstad

Jan. 4 Read first time 206
Jan. 5 Referred to Committee on General Affairs 246
Jan. 25 Notice of hearing (2/5) 618
Feb. 8 Placed on General File - Com AM3047 750
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 978 amended into LB 299 by AM4225)

LEGISLATIVE BILL 979. By Maurstad

Jan. 4 Read first time 206
Jan. 5 Referred to Committee on Urban Affairs 246
Jan. 9 Notice of hearing (1/16) 351
Jan. 22 Placed on General File - Com AM2838 542
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 980. By Maurstad

Jan. 4 Read first time 206
Jan. 5 Referred to Committee on Urban Affairs 246
Jan. 9 Notice of hearing (1/16) 351
Mar. 5 Indefinitely postponed 1028

LEGISLATIVE BILL 981. By Wickersham

Jan. 4 Read first time 206
Jan. 5 Referred to Committee on Health and Human Services 246
Jan. 25 Notice of hearing (2/7) 624
Feb. 28 Placed on General File - Com AM3057 969
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 981 amended into LB 1155 by AM3387)

LEGISLATIVE BILL 982. By Wickersham

Jan. 4 Read first time 206
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 246
Jan. 10 Notice of hearing (1/17) 368
Feb. 26 Placed on General File - Com AM2960 908
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 983. By Wickersham

Jan. 4 Read first time 207
Jan. 5 Referred to Committee on Judiciary 246
Jan. 10 Notice of hearing (1/18) 367
Jan. 23 Indefinitely postponed 560

LEGISLATIVE BILL 984. By Wickersham

Jan. 4 Read first time 207
Jan. 5 Referred to Committee on Revenue 246
Jan. 10 Notice of hearing (1/17) 367
Jan. 19 Placed on General File 530
Feb. 8 Wickersham AM3091 adopted. Advanced for Review .. 744
Feb. 14 Placed on Select File - AM7188 797
Feb. 28 AM7188 (E & R) adopted.
Advanced for Engrossment 964
Mar. 4 Correctly Engrossed 1013
Mar. 11 Final Reading w/E 43-0-6 1140
Mar. 11 President signed 1141
Mar. 11 Presented to Governor (3/11) 1152
Mar. 13 Approved by Governor (3/13) 1233

LEGISLATIVE BILL 985. By Wickersham

Jan. 4 Read first time 207
Jan. 5 Referred to Committee on Education 246
Jan. 22 Notice of hearing (2/12) 543
Mar. 12 Placed on General File 1184
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 986. By Nebraska Retirement Systems Committee, and Maurstad

Jan. 4 Read first time 207
Jan. 5 Referred to Committee on Nebraska
Retirement Systems 246
Jan. 10 Notice of hearing (1/17) 368
Jan. 18 Placed on General File 480
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 986 amended into LB 847 by AM2869)

LEGISLATIVE BILL 987. By Janssen

Jan. 4 Read first time 209
Jan. 5 Referred to Committee on Revenue 247
Jan. 11 Janssen motion to withdraw bill laid over 381
Jan. 17 Janssen pending motion p. 381 prevailed.
Withdrawn 443

LEGISLATIVE BILL 988. By Janssen

Jan. 4 Read first time 209
Jan. 5 Referred to Committee on Health and

Human Services 247
Jan. 10 Notice of hearing (1/18) 367
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 989. By Janssen

Jan. 4 Read first time 209
Jan. 5 Referred to Committee on Education 247
Jan. 11 Notice of hearing (1/22) 385
Feb. 2 Placed on General File - Com AM2929 694
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 990. By Matzke, at the request of the Governor

Jan. 4 Read first time 209
Jan. 5 Referred to Committee on Judiciary 247
Feb. 7 Notice of hearing (2/15) 740
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 991. By Jensen, Engel, Pirsch, Stuhr, Witek

Jan. 4 Read first time 210
Jan. 5 Referred to Committee on Judiciary 247
Jan. 10 Notice of hearing (1/18) 367
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 992. By Jensen, Brashear, Pirsch, Robinson, Withem

Jan. 4 Read first time 210
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 247
Jan. 24 Notice of hearing (1/31) 580
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 993. By Judiciary Committee, and Warner

Jan. 4 Read first time 210
Jan. 5 Referred to Committee on Judiciary 247
Jan. 17 Notice of hearing (1/24) 433
Jan. 30 Indefinitely postponed 644

LEGISLATIVE BILL 994. By Judiciary Committee, and Warner

Jan. 4 Read first time 210
Jan. 5 Referred to Committee on Judiciary 247
Jan. 17 Notice of hearing (1/24) 433
Jan. 30 Indefinitely postponed 644

LEGISLATIVE BILL 995. By Judiciary Committee, and Warner

Jan.	4	Read first time	211
Jan.	5	Referred to Committee on Urban Affairs	247
Jan.	23	Notice of hearing (1/30)	554
Mar.	4	Indefinitely postponed	1013

LEGISLATIVE BILL 996. By Judiciary Committee, and Warner

Jan.	4	Read first time	211
Jan.	5	Referred to Committee on Urban Affairs	247
Jan.	23	Notice of hearing (1/30)	554
Apr.	18	Placed on General File - Com AM4458	2099
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 997. By Judiciary Committee, and Warner

Jan.	4	Read first time	211
Jan.	5	Referred to Committee on Judiciary	247
Jan.	17	Notice of hearing (1/24)	433
Jan.	30	Placed on General File	644
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 998. By Landis

Jan.	4	Read first time	212
Jan.	5	Referred to Committee on Judiciary	247
Jan.	10	Notice of hearing (1/18)	367
Jan.	11	Notice of hearing (1/18) (Cancelled)	409
Jan.	31	Notice of hearing (2/7) (Reset)	665
Feb.	12	Indefinitely postponed	762

LEGISLATIVE BILL 999. By Withem

Jan.	4	Read first time	212
Jan.	5	Referred to Committee on Education	247
Jan.	22	Notice of hearing (2/13)	543
Mar.	5	Indefinitely postponed	1053

LEGISLATIVE BILL 1000. By Withem, Avery, Hartnett

Jan.	4	Read first time	212
Jan.	5	Referred to Committee on Revenue	247
Jan.	11	Notice of hearing (1/19)	409
Jan.	30	Placed on General File	639
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1001. By Schimek, Wesely

Jan. 4 Read first time 212
Jan. 5 Referred to Committee on Health and Human Services 247
Jan. 10 Notice of hearing (1/18) 367
Jan. 24 Placed on General File - Com AM2835 589
Feb. 20 Jensen AM3236 printed 843
Feb. 21 Committee AM2835 adopted. Jensen pending AM3236 p. 843 adopted. Advanced for Review 852
Feb. 26 Placed on Select File - AM7208 911
Feb. 28 AM7208 (E & R) adopted. Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 14 Final Reading w/E 44-0-5 1255
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 1002. By Kristensen

Jan. 4 Read first time 212
Jan. 8 Referred to Committee on Judiciary 330
Jan. 11 Notice of hearing (1/18) 409
Jan. 23 Placed on General File 560
Feb. 14 Advanced for Review 788
Feb. 21 Placed on Select File 864
Feb. 28 Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 14 Final Reading 43-0-6 1255
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 14 Pedersen explanation of vote 1271
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 1003. By Kristensen

Jan. 4 Read first time 213
Jan. 5 Referred to Committee on Revenue 247
Jan. 11 Notice of hearing (1/19) 409
Jan. 16 Fisher name added 431
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1004. By Crosby

Jan. 4 Read first time 213
Jan. 5 Referred to Committee on Health and

Human Services 247
Jan. 10 Notice of hearing (1/18) 367
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1005. By Kristensen, Schimek

Jan. 4 Read first time 213
Jan. 5 Referred to Committee on Business and Labor 247
Jan. 10 Notice of hearing (1/22) 367
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1006. By Vrtiska

Jan. 4 Read first time 213
Jan. 5 Referred to Committee on Transportation 247
Jan. 26 Notice of hearing (2/6) 628
Feb. 20 Indefinitely postponed 830
(Provisions/portions of LB 1006 amended into LB 1118 by AM3194)

LEGISLATIVE BILL 1007. By Landis

Jan. 4 Read first time 213
Jan. 8 Referred to Committee on Urban Affairs 330
Jan. 9 Notice of hearing (1/16) 351
Jan. 22 Placed on General File 542
Feb. 8 Advanced for Review 746
Feb. 14 Placed on Select File 801
Feb. 28 Advanced for Engrossment 966
Mar. 5 Correctly Engrossed 1028
Mar. 14 Final Reading 43-0-6 1256
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 1008. By Landis

Jan. 4 Read first time 213
Jan. 8 Referred to Committee on Banking, Commerce and Insurance 330
Jan. 11 Notice of hearing (1/22) 409
Jan. 23 Placed on General File - Com AM2851 561
Feb. 14 Committee AM2851 adopted. Advanced for Review 788
Feb. 21 Placed on Select File 865
Feb. 28 Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 14 Final Reading 43-0-6 1257
Mar. 14 Speaker signed 1261
Mar. 14 Presented to Governor (3/14) 1266
Mar. 19 Approved by Governor (3/19) 1301

LEGISLATIVE BILL 1009. By Bromm, Brown, Cudaback, Jensen, Jones, Maurstad, Pirsch, Robinson, Schrock, Witek

Jan. 4 Read first time 215
Jan. 8 Referred to Committee on Judiciary 330
Feb. 7 Notice of hearing (2/15) 740
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1010. By Cudaback

Jan. 4 Read first time 215
Jan. 8 Referred to Committee on Revenue 330
Jan. 11 Notice of hearing (1/18) 409
Jan. 30 Indefinitely postponed 639

LEGISLATIVE BILL 1011. By Cudaback

Jan. 4 Read first time 215
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs 330
Jan. 11 Notice of hearing (1/19) 382
Jan. 31 Placed on General File 664
Mar. 20 Advanced for Review 1327
Mar. 25 Placed on Select File - AM7257 1479
Mar. 26 AM7257 (E & R) adopted. Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705
Apr. 4 Final Reading 37-2-10 1882
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 1012. By Will

Jan. 4 Read first time 215
Jan. 8 Referred to Committee on Banking, Commerce and Insurance 330
Jan. 23 Notice of hearing (1/30) 556
Jan. 31 Placed on General File 667
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1013. By Brown, Bromm, Engel, Hartnett, Hudkins, Jensen, Maurstad, Pedersen, Preister, Robak, Stuhr, Wehrbein, Will, Withem

Jan. 4 Read first time 215
Jan. 8 Referred to Committee on Business and Labor 330
Jan. 10 Notice of hearing (1/22) 367

Jan. 19 Lynch name added 535
Mar. 5 Placed on General File 1051
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1014. By Bohlke, McKenzie

Jan. 4 Read first time 216
Jan. 8 Referred to Committee on Education 330
Jan. 8 Notice of hearing (1/16) 335
Mar. 12 Placed on General File - Com AM3513 1201
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1015. By Bohlke, McKenzie

Jan. 4 Read first time 216
Jan. 8 Referred to Committee on Education 330
Jan. 8 Notice of hearing (1/16) 335
Mar. 12 Placed on General File - Com AM3514 1201
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1016. By Bohlke, McKenzie

Jan. 4 Read first time 216
Jan. 8 Referred to Committee on Education 330
Jan. 8 Notice of hearing (1/16) 335
Mar. 12 Placed on General File - Com AM3515 1201
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1017. By Dierks

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Urban Affairs 330
Feb. 1 Notice of hearing (2/13) 670
Mar. 7 Indefinitely postponed 1091
(Provisions/portions of LB 1017 amended into LB 1211 by AM3209)

LEGISLATIVE BILL 1018. By Dierks

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Transportation 330
Jan. 18 Notice of hearing (1/30) 480
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1019. By Dierks, Jones

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Transportation 330
Jan. 26 Notice of hearing (2/6) 628
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1020. By Dierks, Jones

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Transportation 330
Jan. 26 Notice of hearing (2/6) 628
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1021. By Wesely, at the request of the Governor

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Judiciary 330
Jan. 18 Notice of hearing (1/25) 480
Feb. 12 Placed on General File 762
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1021 amended into LB 645 by AM3170)

LEGISLATIVE BILL 1022. By McKenzie

Jan. 4 Read first time 217
Jan. 8 Referred to Committee on Health and Human Services 330
Jan. 25 Notice of hearing (2/22) 625
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1023. By McKenzie, Bernard-Stevens, Bohlke, Bromm, Hartnett, Maurstad, Stuhr

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Education 330
Jan. 11 Notice of hearing (1/23) 385
Mar. 5 Placed on General File - Com AM3051 1052
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1024. By Bohlke

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Education 330
Jan. 11 Notice of hearing (1/23) 385
Feb. 1 Indefinitely postponed 669

LEGISLATIVE BILL 1025. By Schellpeper

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Revenue 330
Feb. 6 Notice of hearing (2/22) 722
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1026. By Schellpeper, Dierks, Vrtiska

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Transportation 330
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Placed on General File - Com AM3195 827
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1026 amended into LB 1104 by AM3747)

LEGISLATIVE BILL 1027. By Schellpeper

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Transportation 331
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1028. By Landis

Jan. 4 Read first time 218
Jan. 8 Referred to Committee on Banking, Commerce and Insurance 331
Jan. 16 Notice of hearing (1/23) 416
Jan. 25 Placed on General File 608
Feb. 21 Advanced for Review 853
Feb. 22 Landis AM3043 printed 877
Feb. 27 Placed on Select File 921
Mar. 7 Landis pending AM3043 p. 877 adopted. Advanced for Engrossment 1087
Mar. 13 Correctly Engrossed 1241
Mar. 13 ER9135 change 1242
Mar. 22 Final Reading 43-0-6 1447
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1029. By Wickersham, Brown, Jensen

Jan. 4 Read first time 231
Jan. 8 Referred to Committee on Education 331
Jan. 22 Notice of hearing (2/6) 543
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 1030. By Wickersham, Brown, Jensen

Jan. 4 Read first time 232
Jan. 8 Referred to Committee on Education 331
Jan. 22 Notice of hearing (2/6) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1031. By Bohlke

Jan.	4	Read first time	232
Jan.	8	Referred to Committee on Government, Military and Veterans Affairs	331
Jan.	9	Rereferred to Committee on Health and Human Services	352
Jan.	16	Notice of hearing (1/31)	426
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1032. By Bohlke

Jan.	4	Read first time	232
Jan.	8	Referred to Committee on Revenue	331
Jan.	24	Notice of hearing (1/31)	581
Feb.	12	Indefinitely postponed	762

LEGISLATIVE BILL 1033. By Hilgert

Jan.	4	Read first time	232
Jan.	8	Referred to Committee on Banking, Commerce and Insurance	331
Jan.	11	Notice of hearing (1/22)	409
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1034. By Pirsch

Jan.	4	Read first time	232
Jan.	8	Referred to Committee on Judiciary	331
Feb.	14	Notice of hearing (2/22)	795
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1035. By Kristensen

Jan.	4	Read first time	236
Jan.	8	Referred to Committee on Transportation	331
Jan.	11	Notice of hearing (1/23)	410
Jan.	24	Placed on General File	589
Feb.	21	Advanced for Review	852
Feb.	26	Placed on Select File	911
Feb.	28	Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	14	Final Reading 45-0-4	1258
Mar.	14	Speaker signed	1261
Mar.	14	Presented to Governor (3/14)	1266
Mar.	19	Approved by Governor (3/19)	1301

LEGISLATIVE BILL 1036. By Kristensen

Jan.	4	Read first time	236
Jan.	8	Referred to Committee on Banking, Commerce and Insurance	331
Jan.	9	Notice of hearing (1/16)	344
Jan.	19	Placed on General File - Com AM2773	528
Feb.	8	Committee AM2773 adopted. Advanced for Review	744
Feb.	14	Placed on Select File - AM7187	796
Feb.	28	AM7187 (E & R) adopted. Advanced for Engrossment	964
Mar.	4	Correctly Engrossed	1013
Mar.	4	ER9126 change	1014
Mar.	11	Final Reading w/E 43-0-6	1140
Mar.	11	President signed	1141
Mar.	11	Presented to Governor (3/11)	1152
Mar.	13	Approved by Governor (3/13)	1233

LEGISLATIVE BILL 1037. By Revenue Committee

Jan.	4	Read first time	236
Jan.	8	Referred to Committee on Revenue	331
Jan.	17	Notice of hearing (1/24)	453
Jan.	30	Placed on General File	639
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1037A. By Warner

Feb.	1	Read first time. Placed on General File	681
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1038. By Revenue Committee

Jan.	4	Read first time	236
Jan.	8	Referred to Committee on Revenue	331
Jan.	10	Notice of hearing (1/17)	368
Jan.	19	Placed on General File	530
Feb.	8	Advanced for Review	745
Feb.	14	Placed on Select File	797
Feb.	27	Kristensen AM3322 printed	935
Feb.	28	Kristensen pending AM3322 p. 935 adopted. Advanced for Engrossment	965
Mar.	5	Correctly Engrossed. ER9121 change	1028
Mar.	14	Final Reading w/E 43-0-6	1258
Mar.	14	Speaker signed	1261
Mar.	14	Presented to Governor (3/14)	1266
Mar.	19	Approved by Governor (3/19)	1301

LEGISLATIVE BILL 1039. By Revenue Committee

Jan. 4 Read first time 237
Jan. 8 Referred to Committee on Revenue 331
Jan. 10 Notice of hearing (1/17) 368
Jan. 19 Placed on General File 530
Feb. 8 Advanced for Review 745
Feb. 14 Placed on Select File - AM7189 797
Feb. 27 Warner AM3353 printed 940
Feb. 28 AM7189 (E & R) adopted. Warner pending AM3353 p. 940 and FA464 adopted. Advanced for Engrossment 965
Feb. 28 Preister, Chambers, Jones, Landis, Pedersen, Cudaback, Beutler, Vrtiska, Avery, Wesely, Hartnett, Hilgert, Lynch, Robak, Crosby, Stuhr, Brown, Bohlke, and Schimek names added 977
Feb. 29 Jensen and Abboud names added 997
Mar. 4 Fisher name added 1025
Mar. 5 Correctly Engrossed 1028
Mar. 5 ER9125 change 1029
Mar. 7 Warner AM3564 printed 1093
Mar. 19 Warner AM3885 printed 1303
Mar. 25 Warner pending AM3564 p. 1093 withdrawn. Returned to Select File for Warner amendment. Warner pending AM3885 p. 1303 adopted. Advanced for Reengrossment 1510
Apr. 1 Warner-Avery AM4230 printed 1697
Apr. 4 Warner-Cudaback AM4223 printed 1890
Apr. 9 Witek and Maurstad names added 1932
Apr. 9 Returned to Select File for Warner-Avery amendment. Warner-Avery pending AM4230 p. 1697 adopted. Advanced for Reengrossment 1946
Apr. 9 Returned to Select File for Warner-Cudaback amendment. Warner-Cudaback pending AM4223 p. 1890 adopted. Advanced for Reengrossment 1947
Apr. 9 Correctly Reengrossed. ER9147 change 1976
Apr. 11 Final Reading w/E 48-1-0 2040
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 298 amended into LB 1039 by AM3353)
(Provisions/portions of LB 1381 amended into LB 1039 by AM4230)

LEGISLATIVE BILL 1039A. By Warner

Mar. 4 Read first time. Placed on General File 1006
Mar. 14 Advanced for Review 1249
Mar. 19 Placed on Select File 1302
Mar. 26 Advanced for Engrossment 1516

Apr.	9	Correctly Engrossed	1976
Apr.	11	Final Reading w/E 46-1-2	2041
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1040. By Revenue Committee

Jan.	4	Read first time	237
Jan.	8	Referred to Committee on Revenue	331
Jan.	10	Notice of hearing (1/17)	368
Jan.	19	Placed on General File - Com AM2808	530
Feb.	8	Committee AM2808 adopted. Advanced for Review	745
Feb.	14	Placed on Select File - AM7190	797
Feb.	28	AM7190 (E & R) adopted. Advanced for Engrossment	965
Mar.	5	Correctly Engrossed	1028
Mar.	5	ER9128 change	1029
Mar.	14	Final Reading w/E 45-0-4	1259
Mar.	14	Speaker signed	1261
Mar.	14	Presented to Governor (3/14)	1266
Mar.	19	Approved by Governor (3/19)	1301

LEGISLATIVE BILL 1041. By Revenue Committee

Jan.	4	Read first time	237
Jan.	8	Referred to Committee on Revenue	331
Jan.	11	Notice of hearing (1/18)	409
Jan.	19	Placed on General File	533
Feb.	8	Advanced for Review	745
Feb.	14	Placed on Select File	799
Feb.	28	Advanced for Engrossment	965
Mar.	5	Correctly Engrossed	1028
Mar.	22	Final Reading 40-0-9	1440
Mar.	22	President signed	1448
Mar.	22	Presented to Governor (3/22)	1453
Mar.	25	Approved by Governor (3/25)	1493

LEGISLATIVE BILL 1042. By Wesely, Chambers, Hilgert, Preister, Schimek

Jan.	4	Read first time	237
Jan.	8	Referred to Committee on Business and Labor	331
Jan.	17	Will name added	463
Jan.	25	Notice of hearing (2/12)	609
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1043. By Witek

Jan. 4 Read first time 237
Jan. 8 Referred to Committee on Judiciary 331
Feb. 14 Notice of hearing (2/22) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1044. By Wesely, Withem, Brown, Dierks, Hillman, Jensen, Klein, Matzke, Pirsch, Robak, Robinson, Schimek, Warner, Wehrbein, at the request of the Governor

Jan. 4 Read first time 238
Jan. 8 Lindsay name added 296
Jan. 8 Referred to Committee on Health and Human Services 331
Jan. 10 Notice of hearing (1/19) 367
Jan. 11 Klein priority bill 381
Jan. 11 Brashear name added 413
Feb. 1 Placed on General File - Com AM2978 (printed separate) 682
Feb. 12 Committee AM2978 adopted. Advanced for Review 757
Feb. 12 Bohlke name added 763
Feb. 21 Placed on Select File - AM7206 (printed separate) 864
Feb. 27 Wehrbein-Maurstad-Engel-Lynch-Brashear-Schrock-Hillman-Crosby-Brown AM3307 printed 932
Feb. 27 Wesely-Withem AM3346 printed 933
Mar. 4 Witek FA482, FA483, and AM3395 printed 1021
Mar. 5 AM7206 (E & R) adopted. Wehrbein et al pending AM3307 p. 932 and Wesely-Withem pending AM3346 p. 933 adopted. Witek pending FA482 p. 1021 lost. Pending 1026
Mar. 5 Witek pending FA483 p. 1021 and Dierks AM3512 adopted. Witek pending AM3395 p. 1021 and Beutler AM3510 lost. Withem FA485 withdrawn. Bernard-Stevens motion to bracket until 3/11/96 withdrawn. Pending 1030
Mar. 5 Beutler AM3544 adopted. Chambers FA486 pending .. 1037
Mar. 5 Chambers pending FA486 p. 1038 and Avery AM3535 lost. Stuhr AM3556 adopted. Chambers FA487 pending 1041
Mar. 5 Chambers pending FA487 p. 1044 lost. Bernard-Stevens FA488 pending 1053
Mar. 5 Chambers FA489 printed 1058
Mar. 7 Bernard-Stevens AM3562 printed 1103
Mar. 11 Bernard-Stevens pending FA488 p. 1054 adopted as amended by Wesely-Dierks FA522 and Chambers FA523. Chambers pending FA489 p. 1058, Bernard-Stevens pending AM3562 p. 1103, Wesely AM3669, and Jensen AM3642 adopted. Maurstad AM3679 lost. Avery request to substitute AM3683; Wesely objected. Avery

motion to substitute AM3683 prevailed. Avery AM3683 withdrawn. Avery substitute AM3687 pending 1143
Mar. 11 Avery pending AM3687 p. 1147 sustained a division of question. Avery FA525 adopted. Avery FA526 lost. Chambers FA524 withdrawn. Chambers FA527 and Jensen FA528 adopted. Advanced for Engrossment 1153
Mar. 12 Correction 1175
Mar. 12 Pirsch name withdrawn 1212
Mar. 14 Wesely-Withem AM3810 printed 1271
Mar. 20 Correctly Engrossed. ER9138 change 1369
Mar. 27 Wesely-Withem pending AM3810 p. 1271 withdrawn. Final Reading (bill read) 1617
Mar. 28 Final Reading w/E 33-13-3 1624
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 3 Approved by Governor (4/3) 1843

LEGISLATIVE BILL 1044A. By Wesely, Withem

Feb. 27 Read first time. Placed on General File 940
Mar. 5 Wesely AM3489 printed 1035
Mar. 5 Wehrbein-Engel-Maurstad-Brashear-Schrock-Brown-Crosby-Hillman AM3376 printed 1036
Mar. 6 Wesely pending AM3489 p. 1035 and Wehrbein et al pending AM3376 p. 1036 adopted. Advanced for Review 1061
Mar. 7 Placed on Select File - AM7225 1105
Mar. 11 AM7225 (E & R) adopted. Wesely AM3672 adopted. Advanced for Engrossment 1156
Mar. 20 Correctly Engrossed 1369
Mar. 20 ER9134 change 1373
Mar. 22 Will FA572 printed 1460
Mar. 28 Will pending FA572 p. 1460 withdrawn 1624
Mar. 28 Final Reading w/E 41-4-4 1625
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 3 Approved by Governor (4/3) 1843

LEGISLATIVE BILL 1045. By Will

Jan. 4 Read first time 238
Jan. 8 Referred to Committee on General Affairs 331
Feb. 15 Notice of hearing (2/26) 816
Feb. 28 Placed on General File 971
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1046. By Bernard-Stevens

Jan. 4 Read first time 238
Jan. 8 Referred to Committee on Judiciary 331
Jan. 10 Notice of hearing (1/17) 366
Jan. 23 Placed on General File 560
Feb. 14 Passed over 788
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1046 amended into LB 1141 by AM3289)

LEGISLATIVE BILL 1047. By Fisher

Jan. 4 Read first time 239
Jan. 8 Referred to Committee on Business and Labor 331
Jan. 10 Notice of hearing (1/22) 367
Jan. 24 Placed on General File - Com AM2881 579
Feb. 14 Committee AM2881 adopted. Advanced for Review 789
Feb. 21 Placed on Select File 865
Feb. 28 Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 22 Final Reading w/E 42-0-7 1441
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1048. By Fisher

Jan. 4 Read first time 239
Jan. 8 Referred to Committee on Judiciary 331
Jan. 10 Notice of hearing (1/17) 366
Jan. 23 Placed on General File 560
Feb. 14 Advanced for Review 788
Feb. 21 Placed on Select File - AM7204 864
Feb. 28 AM7204 (E & R) adopted.
Advanced for Engrossment 967
Mar. 5 Correctly Engrossed 1049
Mar. 22 Final Reading 42-0-7 1442
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1049. By Wesely

Jan. 4 Read first time 239
Jan. 8 Referred to Committee on Health and
Human Services 331
Jan. 10 Notice of hearing (1/19) 367
Jan. 30 Indefinitely postponed 653

LEGISLATIVE BILL 1050. By Education Committee

Jan.	4	Read first time	239
Jan.	8	Referred to Committee on Education	331
Jan.	8	Bohlke priority bill	334
Jan.	11	Notice of hearing (1/30)	385
Feb.	8	Placed on General File - Com AM3077 (printed separate)	751
Feb.	13	Wickersham division of question on Committee AM3077 p. 751 sustained. Committee FA439 pending. Committee FA438, FA437, and FA440 (on file) pending. Bohlke AM3163 to committee FA439 pending	784
Feb.	14	Correction	787
Feb.	14	Committee FA439 p. 784 adopted as amended by Bohlke pending AM3163 p. 785. Wickersham FA441 to committee FA438 pending. Robak motion to bracket until 2/14/97 lost	789
Feb.	14	Bernard-Stevens AM3184 to committee AM3077 printed	791
Feb.	15	Wickersham pending FA441 p. 790 to committee FA438 pending	811
Feb.	15	Wickersham pending FA441 p. 790 lost. Committee FA438 p. 784 adopted as amended by Wickersham FA442. Pending	813
Feb.	15	Committee FA437 p. 784 adopted. Committee FA440 p. 785 sustained division of question. Committee FA443 (on file) adopted. Committee FA444 (on file) pending	821
Feb.	15	Withem AM3131 printed separate	825
Feb.	20	Committee FA444 p. 822 adopted. Advanced for Review. Maurstad AM3250 printed	831
Feb.	26	Placed on Select File - AM7210 (printed separate)	906
Feb.	27	Maurstad AM3356 to AM7210 printed	945
Mar.	5	Schimek-Beutler AM3285 to AM7210 printed	1033
Mar.	5	Wickersham AM3490 and Bernard-Stevens AM3530 to AM7210 printed	1044
Mar.	6	Wickersham AM3542 to AM7210 printed	1062
Mar.	6	Wickersham AM3545 to AM7210 printed	1063
Mar.	7	AM7210 (E & R) adopted. Withem pending AM3131 p. 825 withdrawn. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM3184 p. 791 withdrawn. Bernard-Stevens substitute AM3530 p. 1044 adopted. Maurstad pending AM3250 p. 831 withdrawn. Maurstad pending AM3356 p. 945 lost. Schimek-Beutler request to substitute amendment prevailed. Schimek-Beutler pending AM3285 p. 1033 withdrawn. Schimek-	

Beutler substitute AM3631 adopted. Pending 1096
Mar. 7 Wickersham pending AM3490 p. 1044 withdrawn. Wickersham request to substitute amendment prevailed. Wickersham pending AM3542 p. 1062 withdrawn. Wickersham substitute FA521 adopted. Pending 1106
Mar. 7 Witek FA495 printed. Bromm AM3584 and Bohlke AM3632 printed 1115
Mar. 7 Bohlke AM3619 printed 1119
Mar. 7 Beutler AM3620 printed 1122
Mar. 11 Bernard-Stevens motion to reconsider vote on AM3631 p. 1098 laid over 1174
Mar. 19 Withem AM3870 printed 1306
Mar. 20 Bernard-Stevens pending motion p. 1174 prevailed. Schimek-Beutler reconsidered AM3631 p. 1098 withdrawn. Wickersham pending AM3545 p. 1063 and Bromm pending AM3584 p. 1115 lost. Witek pending FA495 p. 1115 adopted. Pending 1334
Mar. 20 Bohlke AM3629 printed 1346
Mar. 20 Pirsch AM3942 printed 1348
Mar. 20 Bohlke motion to suspend rules and vote without amendment or debate laid over 1352
Mar. 20 Schrock AM3962 printed 1356
Mar. 22 Bohlke pending AM3632 p. 1115, AM3619 p. 1119, AM3629 p. 1346, Beutler pending AM3620 p. 1122, and Withem-Jones AM4038 adopted. Abboud AM4001 lost. Bohlke pending motion p. 1352 withdrawn. Pirsch pending AM3942 p. 1348, Schrock pending AM3962 p. 1356, and Withem pending AM3870 p. 1306 withdrawn. Advanced for Engrossment 1448
Mar. 28 Correctly Engrossed 1637
Mar. 28 ER9146 change 1638
Apr. 1 Abboud AM4233 and AM4234 printed 1736
Apr. 2 Abboud AM4348 and AM4349 printed 1808
Apr. 2 Bohlke motion to suspend rules and vote on Final Reading without amendment or motion laid over 1808
Apr. 2 Bromm AM4353 printed 1814
Apr. 3 Abboud pending AM4233 and AM4234 p. 1736 withdrawn. Abboud motion to return to Select File for AM4348 p. 1808 lost 1839
Apr. 3 Abboud motion to return to Select File for AM4349 p. 1808 withdrawn. Bohlke pending motion p. 1808 prevailed. Final Reading w/E 36-11-2 1840
Apr. 3 Speaker signed 1842
Apr. 3 Presented to Governor (4/3) 1845

Apr. 3 Will explanation of vote 1847
Apr. 9 Approved by Governor (4/5) 1915
(Provisions/portions of LB 600 amended into LB 1050 by AM3077)
(Provisions/portions of LB 676 amended into LB 1050 by AM3077)
(Provisions/portions of LB 1116 amended into LB 1050 by AM3619)
(Provisions/portions of LB 1149 amended into LB 1050 by AM3077)
(Provisions/portions of LB 1178 amended into LB 1050 by AM3620)

LEGISLATIVE BILL 1050A. By Bohlke

Feb. 29 Read first time. Placed on General File 982
Mar. 6 Advanced for Review 1061
Mar. 6 Placed on Select File 1081
Mar. 22 Advanced for Engrossment 1452
Mar. 28 Correctly Engrossed 1637
Apr. 3 Final Reading w/E 39-5-5 1841
Apr. 3 Speaker signed 1842
Apr. 3 Presented to Governor (4/3) 1845
Apr. 10 Approved by Governor (4/5) 2008

LEGISLATIVE BILL 1051. By Beutler, Landis, Schimek, Wesely

Jan. 4 Read first time 239
Jan. 8 Referred to Committee on Natural Resources 331
Jan. 10 Notice of hearing (1/18) 367
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1052. By Landis

Jan. 5 Read first time 248
Jan. 8 Referred to Committee on Judiciary 331
Jan. 24 Notice of hearing (1/31) 595
Feb. 21 Placed on General File 859
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1053. By Landis

Jan. 5 Read first time 248
Jan. 8 Referred to Committee on Banking, Commerce and Insurance 331
Jan. 11 Notice of hearing (1/22) 409
Jan. 25 Placed on General File 608
Mar. 6 Advanced for Review 1059
Mar. 6 Witek explanation of vote 1063
Mar. 7 Placed on Select File - AM7221 1105
Mar. 11 Lynch AM3626 and AM3625 printed 1158
Mar. 13 Lynch AM3800 printed 1235
Mar. 14 AM7221 (E & R) adopted. Lynch pending AM3626 and AM3625 p. 1158 withdrawn.

Lynch pending AM3800 p. 1235 adopted. Advanced for Engrossment 1247
Mar. 14 Beutler FA544 printed 1267
Mar. 20 Correctly Engrossed. ER9139 change 1384
Mar. 28 Beutler AM4196 printed 1645
Apr. 9 Beutler pending FA544 p. 1267 withdrawn. Returned to Select File for Beutler amendment. Beutler pending AM4196 p. 1645 adopted. Advanced for Reengrossment 1947
Apr. 9 Correctly Reengrossed 1976
Apr. 9 ER9191 change 1977
Apr. 11 Final Reading w/E 48-0-1 2041
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1054. By Beutler

Jan. 5 Read first time 249
Jan. 8 Referred to Committee on Natural Resources 331
Jan. 10 Notice of hearing (1/19) 367
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1055. By Schmitt, Hudkins

Jan. 5 Read first time 249
Jan. 8 Referred to Committee on Judiciary 331
Jan. 23 Schmitt priority bill 554
Jan. 25 Notice of hearing (2/1) 618
Feb. 6 Placed on General File - Com AM3034 721
Feb. 12 Schmitt AM3083 printed 764
Feb. 26 Committee AM3034 adopted. Schmit pending AM3083 p. 764 adopted. Advanced for Review 908
Feb. 26 Lindsay-Wesely AM3304 printed 913
Feb. 28 Chambers name added 978
Feb. 29 Placed on Select File - AM7213 988
Mar. 7 Wesely AM3551 to AM3304 printed 1092
Mar. 7 Hudkins name withdrawn 1128
Mar. 11 Schmitt AM3521 to AM7213 printed 1171
Mar. 12 Lindsay-Wesely AM3733 printed 1187
Mar. 27 AM7213 (E & R) adopted. Lindsay-Wesely request to substitute amendment prevailed. Lindsay-Wesely pending AM3304 p. 913 withdrawn. Lindsay-Wesely substitute AM3733 p. 1187 adopted. Wesely pending AM3551 p. 1092 withdrawn. Schmitt pending AM3521 p. 1171 and Beutler AM3350 adopted. Advanced for Engrossment 1600
Mar. 28 Wesely name added 1671

Apr. 1 Correctly Engrossed 1725
Apr. 1 ER9158 change 1726
Apr. 11 Final Reading 47-1-1 2042
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 960 amended into LB 1055 by AM3733)

LEGISLATIVE BILL 1055A. By Wesely, Schmitt

Mar. 28 Read first time. Placed on General File 1644
Apr. 2 Advanced for Review 1760
Apr. 2 Placed on Select File 1789
Apr. 3 Advanced for Engrossment 1854
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 47-1-1 2043
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1056. By Wickersham

Jan. 5 Read first time 249
Jan. 8 Referred to Committee on Judiciary 331
Jan. 17 Notice of hearing (1/24) 433
Jan. 30 Indefinitely postponed 644

LEGISLATIVE BILL 1057. By Hartnett

Jan. 5 Read first time 249
Jan. 8 Referred to Committee on General Affairs 331
Jan. 31 Notice of hearing (2/13) 664
Feb. 21 Placed on General File - Com AM3216 854
(printed separate)
Feb. 26 Hartnett AM3303 to committee AM3216 printed 910
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1058. By Hartnett

Jan. 5 Read first time 250
Jan. 8 Referred to Committee on Revenue 331
Jan. 17 Notice of hearing (1/25) 453
Feb. 12 Schimek name added 764
Mar. 13 Indefinitely postponed 1233
(Provisions/portions of LB 1058 amended into LB 1085 by AM3649)

LEGISLATIVE BILL 1059. By Health and Human Services Committee, and Warner

Jan. 5 Read first time 250
Jan. 8 Referred to Committee on Health and Human Services 331
Jan. 9 Wesely priority bill 344
Jan. 16 Notice of hearing (1/31) 426
Feb. 23 Placed on General File - Com AM3165 892
Mar. 25 Committee AM3165 adopted as amended by Wesely FA578. Chambers FA577 withdrawn. Chambers FA579 lost. Pending 1503
Mar. 25 Wehrbein FA576 printed 1508
Mar. 25 Hilgert FA580 printed 1509
Apr. 1 Wehrbein pending FA576 p. 1508, Hilgert pending FA580 p. 1509, and Wesely AM4263 adopted. Advanced for Review 1737
Apr. 2 Crosby motion to bracket until 6/1/96 laid over 1765
Apr. 3 Placed on Select File - AM7296 (printed separate) 1830
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1060. By Schrock, Dierks, Elmer, Engel, Jones

Jan. 5 Read first time 250
Jan. 8 Referred to Committee on Health and Human Services 331
Jan. 10 Notice of hearing (1/17) 367
Jan. 17 Preister name added 463
Jan. 24 Placed on General File - Com AM2815 590
Feb. 5 Hilgert name added 702
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1060A. By Schrock

Feb. 8 Read first time. Placed on General File 750
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1061. By Wehrbein, Engel, Hillman, Jones, Stuhr, Vrtiska, Warner

Jan. 5 Read first time 254
Jan. 8 Referred to Committee on Appropriations 331
Jan. 24 Notice of hearing (2/5) 580
Feb. 21 Appropriations Committee priority bill 866
Mar. 12 Placed on General File 1193
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1062. By Government, and Veterans Affairs Committee, and Warner

Jan. 5 Read first time 254
Jan. 8 Referred to Committee on Government, Military and Veterans Affairs 352
Jan. 25 Notice of hearing (2/2) 609
Feb. 28 Placed on General File - Com AM3281 970
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1062 amended into LB 1085 by AM3649)

LEGISLATIVE BILL 1063. By Brashear, Jensen

Jan. 5 Read first time 255
Jan. 8 Referred to Committee on Revenue 331
Jan. 11 Notice of hearing (1/19) 409
Jan. 22 Indefinitely postponed 543

LEGISLATIVE BILL 1064. By Brashear

Jan. 5 Read first time 255
Jan. 8 Referred to Committee on Transportation 331
Jan. 26 Notice of hearing (2/5) 628
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1065. By Brashear

Jan. 5 Read first time 255
Jan. 8 Referred to Committee on Transportation 331
Jan. 11 Notice of hearing (1/22) 410
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1066. By Dierks

Jan. 5 Read first time 255
Jan. 8 Referred to Committee on Agriculture 331
Jan. 26 Notice of hearing (2/20) 630
Feb. 13 Notice of hearing (2/20) (Time and Room change) 775
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1067. By Dierks, at the request of the Governor

Jan. 5 Read first time 255
Jan. 8 Referred to Committee on Natural Resources 331
Jan. 24 Notice of hearing (1/31) 581
Feb. 27 Indefinitely postponed 926

LEGISLATIVE BILL 1068. By Dierks

Jan. 5 Read first time 256
Jan. 8 Referred to Committee on Revenue 331

Feb. 6 Notice of hearing (2/22) 722
Feb. 29 Indefinitely postponed 996

LEGISLATIVE BILL 1069. By General Affairs Committee

Jan. 5 Read first time 256
Jan. 8 Referred to Committee on General Affairs 331
Jan. 25 Notice of hearing (2/12) 618
Feb. 21 Placed on General File 854
Mar. 27 Advanced for Review 1594
Mar. 28 Placed on Select File 1664
Apr. 2 Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading 43-0-6 1982
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1070. By Cudaback

Jan. 5 Read first time 260
Jan. 8 Referred to Committee on General Affairs 331
Jan. 11 Rereferred to Committee on Natural Resources 380
Jan. 17 Notice of hearing (1/24) 463
Feb. 27 Placed on General File - Com AM3311 924
Mar. 27 Committee AM3311 adopted. Advanced for Review ... 1594
Apr. 1 Placed on Select File - AM7274 1673
Apr. 2 AM7274 (E & R) adopted.
Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading 42-0-7 1983
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1071. By Hartnett, Bernard-Stevens, Crosby, Dierks, Engel, Hillman, Klein, Robak, Schimek, Stuhr, Wickersham

Jan. 5 Read first time 261
Jan. 8 Referred to Committee on Banking,
Commerce and Insurance 331
Jan. 26 Notice of hearing (2/12) 629
Feb. 15 Indefinitely postponed 815

LEGISLATIVE BILL 1072. By Abboud, Schimek, Vrtiska

Jan. 5 Read first time 261
Jan. 8 Referred to Committee on Business and Labor 331
Jan. 10 Notice of hearing (1/22) 367

Jan. 23 Placed on General File 556
Feb. 8 Advanced for Review 747
Feb. 15 Placed on Select File - AM7196 820
Feb. 28 AM7196 (E & R) adopted.
Advanced for Engrossment 966
Mar. 5 Correctly Engrossed 1049
Mar. 22 Final Reading w/E 42-0-7 1443
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1073. By Coordsen

Jan. 5 Read first time 261
Jan. 8 Referred to Committee on Transportation 331
Jan. 11 Notice of hearing (1/22) 410
Jan. 23 Placed on General File 556
Feb. 8 Advanced for Review 747
Feb. 15 Placed on Select File - AM7199 820
Feb. 28 AM7199 (E & R) adopted.
Advanced for Engrossment 966
Mar. 5 Correctly Engrossed 1049
Mar. 22 Final Reading 36-1-12 1444
Mar. 22 President signed 1448
Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1074. By Lindsay

Jan. 5 Read first time 261
Jan. 8 Referred to Committee on Judiciary 331
Jan. 10 Notice of hearing (1/17) 366
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1075. By Nebraska Retirement Systems Committee

Jan. 5 Read first time 261
Jan. 8 Referred to Committee on Nebraska
Retirement Systems 331
Jan. 10 Notice of hearing (1/17) 368
Jan. 18 Placed on General File 480
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1075 amended into LB 847 by AM2869)

LEGISLATIVE BILL 1076. By Nebraska Retirement Systems Committee

Jan. 5 Read first time 262
Jan. 8 Referred to Committee on Nebraska Retirement Systems 331
Jan. 10 Notice of hearing (1/17) 368
Jan. 22 Nebraska Retirement Systems Committee priority bill 540
Jan. 30 Placed on General File - Com AM2924 644
Mar. 5 Wickersham AM3531 printed 1041
Mar. 6 Committee AM2924 adopted. Wickersham pending AM3531 p. 1041 adopted. Advanced for Review 1082
Mar. 13 Placed on Select File - AM7232 (printed separate) 1221
Mar. 14 Will AM3750 to AM7232 printed 1268
Mar. 14 Wickersham-Wehrbein-Lynch-Witek-Crosby-Robak AM3799 to AM7232 printed 1269
Apr. 4 AM7232 (E & R) adopted. Wickersham et al pending AM3799 p. 1269 and Will pending AM3750 p. 1268 adopted. Advanced for Engrossment 1899
Apr. 4 Wesely FA624 printed 1909
Apr. 9 Correctly Engrossed. ER9181 change 1931
Apr. 9 Wesely-Kristensen AM4444 printed 1958
Apr. 10 Wesely pending FA624 p. 1909 withdrawn. Wesely motion to return to Select File for AM4444 p. 1958 pending 2016
Apr. 10 Wesely pending motion p. 2016 pending 2019
Apr. 11 Wesely pending motion p. 2016 withdrawn. Final Reading 34-7-8 2044
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/16) 2090
(Provisions/portions of LB 361 amended into LB 1076 by AM3750)
(Provisions/portions of LB 1119 amended into LB 1076 by AM3799)

LEGISLATIVE BILL 1076A. By Wickersham

Mar. 28 Read first time. Placed on General File 1644
Apr. 2 Advanced for Review 1760
Apr. 2 Placed on Select File 1789
Apr. 4 Advanced for Engrossment 1900
Apr. 9 Correctly Engrossed 1931
Apr. 11 Final Reading 40-0-9 2045
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/16) 2090

LEGISLATIVE BILL 1077. By Wickersham, Crosby, Robak

Jan. 5 Read first time 262
Jan. 8 Referred to Committee on Nebraska Retirement Systems 332
Jan. 30 Notice of hearing (2/13) 649
Feb. 22 Placed on General File - Com AM3263 (printed separate) 884
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1078. By Wesely

Jan. 5 Read first time 262
Jan. 8 Referred to Committee on Health and Human Services 332
Jan. 16 Notice of hearing (1/26) 426
Feb. 6 Placed on General File - Com AM3042 720
Feb. 21 Health and Human Services Committee priority bill 866
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1079. By Robak

Jan. 8 Read first time 272
Jan. 9 Referred to Committee on Health and Human Services 352
Jan. 16 Notice of hearing (1/25) 426
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1080. By Robak

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Banking, Commerce and Insurance 352
Jan. 9 Will name added 360
Jan. 26 Notice of hearing (2/6) 629
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1081. By Robak

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Health and Human Services 352
Jan. 16 Notice of hearing (1/26) 426
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1082. By Maurstad, Dierks

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Revenue 352
Jan. 9 Will name added 360

Jan. 11 Notice of hearing (1/19) 409
Jan. 11 Schimek, Brown, Hillman, Schrock, Robinson, Lynch, and Vrtiska names added 413
Jan. 18 Chambers name added 521
Jan. 22 Placed on General File 543
Mar. 5 Maurstad AM3352 printed 1029
Mar. 13 Maurstad pending AM3352 p. 1029 adopted. Advanced for Review 1220
Mar. 19 Placed on Select File 1285
Mar. 20 Pirsch-Lynch AM3923, AM3925, and AM3924 printed 1329
Mar. 26 Pirsch-Lynch pending AM3923, AM3925, and AM3924 p. 1329 withdrawn. Advanced for Engrossment 1517
Mar. 26 Wesely FA583 printed 1528
Apr. 1 Correctly Engrossed 1687
Apr. 4 Wesely pending FA583 p. 1528 withdrawn 1882
Apr. 4 Final Reading 43-0-6 1883
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 1083. By Revenue Committee

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Revenue 352
Jan. 24 Notice of hearing (2/1) 581
Mar. 13 Indefinitely postponed 1233
(Provisions/portions of LB 1083 amended into LB 1177 by AM3653)

LEGISLATIVE BILL 1084. By Revenue Committee

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Revenue 352
Jan. 24 Notice of hearing (2/1) 581
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1085. By Warner, Coordsen, Hartnett, Kristensen, Landis, Schellpeper, Wickersham, Will

Jan. 8 Read first time 273
Jan. 9 Referred to Committee on Revenue 352
Jan. 17 Notice of hearing (1/25) 453
Feb. 20 Wickersham priority bill 834
Mar. 11 Placed on General File - Com AM3649 ..... 1161 (printed separate)
Mar. 19 Beutler request to substitute amendment prevailed. Beutler AM3868 withdrawn. Beutler substitute FA560 to committee

AM3649 adopted. Pending 1293
Mar. 19 Beutler AM3873 to committee AM3649 adopted. Pending 1298
Mar. 19 Schellpeper FA559 to committee AM3649 adopted. Bernard-Stevens FA558 lost. Pending 1309
Mar. 19 Beutler AM3874 (on file) and Bernard-Stevens FA561 withdrawn. Committee AM3649 adopted as amended. Advanced for Review 1315
Mar. 21 Beutler AM3984 printed 1404
Mar. 22 Placed on Select File - AM7255 1470
Mar. 27 Beutler AM4170 to AM7255 printed 1605
Mar. 27 Warner-Wickersham AM4169 printed 1606
Mar. 27 Beutler AM4181 printed 1614
Apr. 1 Bernard-Stevens AM4220 printed 1707
Apr. 2 AM7255 (E & R) adopted. Beutler pending AM3984 p. 1404 adopted. Beutler pending AM4170 p. 1605 lost. Warner-Wickersham request to substitute amendment prevailed. Warner-Wickersham pending AM4169 p. 1606 withdrawn. Warner-Wickersham substitute AM4187 adopted. Beutler pending AM4181 p. 1614 and Bernard-Stevens pending AM4220 p. 1707 withdrawn. Advanced for Engrossment 1760
Apr. 4 Correctly Engrossed 1900
Apr. 4 ER9170 change 1901
Apr. 10 Final Reading 45-0-4 1998
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/16) 2090
(Provisions/portions of LB 212 amended into LB 1085 by AM3649)
(Provisions/portions of LB 1058 amended into LB 1085 by AM3649)
(Provisions/portions of LB 1062 amended into LB 1085 by AM3649)
(Provisions/portions of LB 1303 amended into LB 1085 by AM3649)
(Provisions/portions of LB 1384 amended into LB 1085 by AM3984)
(Provisions/portions of LB 1385 amended into LB 1085 by AM3873)

LEGISLATIVE BILL 1085A. By Warner, Beutler

Mar. 26 Read first time. Placed on General File 1522
Mar. 28 Advanced for Review 1652
Apr. 1 Placed on Select File 1715
Apr. 2 Advanced for Engrossment 1765
Apr. 4 Correctly Engrossed 1900
Apr. 10 Final Reading 44-0-5 1999
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Returned by Governor without approval (4/16) 2090

LEGISLATIVE BILL 1086. By Wickersham

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on Banking, Commerce and Insurance 352
Jan. 26 Notice of hearing (2/13) 629
Feb. 15 Indefinitely postponed 815

LEGISLATIVE BILL 1087. By Wickersham

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on Revenue 352
Jan. 11 Notice of hearing (1/18) 409
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1088. By Landis, Robak

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on General Affairs 352
Jan. 25 Notice of hearing (2/5) 618
Feb. 21 Landis priority bill 852
Feb. 21 Placed on General File - Com AM3220 854
Feb. 26 Lindsay AM3306 and AM3305 to committee AM3220 printed 907
Mar. 12 Lindsay AM3755 printed separate 1198
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1088 amended into LB 750 by AM4434)

LEGISLATIVE BILL 1089. By Jensen, Brashear, Brown, Witek

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on Revenue 352
Jan. 11 Notice of hearing (1/19) 409
Jan. 30 Indefinitely postponed 639

LEGISLATIVE BILL 1090. By Pirsch, Hilgert

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on General Affairs 352
Jan. 25 Notice of hearing (2/5) 618
Feb. 7 Placed on General File 738
Mar. 28 Advanced for Review 1623
Apr. 1 Placed on Select File 1685
Apr. 2 Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading 41-0-8 1983
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1091. By Wickersham, Bohlke

Jan. 8 Read first time 274
Jan. 9 Referred to Committee on Education 352
Jan. 22 Notice of hearing (2/6) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1092. By Lynch

Jan. 8 Read first time 275
Jan. 9 Referred to Committee on Urban Affairs 352
Jan. 16 Notice of hearing (1/23) 427
Jan. 30 Indefinitely postponed 648

LEGISLATIVE BILL 1093. By Abboud

Jan. 8 Read first time 275
Jan. 9 Referred to Committee on Urban Affairs 352
Feb. 1 Notice of hearing (2/13) 670
Feb. 15 Placed on General File 812
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1093 amended into LB 1211 by AM3209)

LEGISLATIVE BILL 1094. By Wehrbein

Jan. 8 Read first time 275
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs 352
Jan. 11 Notice of hearing (1/19) 382
Jan. 31 Placed on General File 664
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1095. By Government, Military and Veterans Affairs Committee, and Warner

Jan. 8 Read first time 275
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs 352
Jan. 25 Notice of hearing (2/2) 609
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1096. By Lynch, Engel

Jan. 8 Read first time 275
Jan. 9 Referred to Committee on Revenue 352
Jan. 17 Notice of hearing (1/25) 453
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1097. By Abboud

Jan. 8 Read first time 276
Jan. 9 Referred to Committee on Judiciary 352
Jan. 19 Notice of hearing (1/26) 535
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1098. By Maurstad, Coordsen, Dierks, Elmer, Hudkins, Jones, Klein, McKenzie, Schellpeper, Schmitt, Schrock, Stuhr, Vrtiska

Jan. 8 Read first time 276
Jan. 9 Referred to Committee on Revenue 352
Feb. 6 Notice of hearing (2/23) 722
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1099. By Brashear, Abboud, Beutler, Bromm, Kristensen, Wickersham

Jan. 8 Read first time 276
Jan. 9 Referred to Committee on Judiciary 352
Jan. 31 Notice of hearing (2/7) 665
Feb. 21 Brashear priority bill 866
Feb. 28 Placed on General File 971
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1100. By Brashear

Jan. 8 Read first time 276
Jan. 9 Referred to Committee on Judiciary 352
Jan. 24 Notice of hearing (1/31) 595
Feb. 15 Placed on General File 815
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1101. By Brashear

Jan. 8 Read first time 276
Jan. 9 Referred to Committee on Health and Human Services 352
Jan. 25 Notice of hearing (2/15) 625
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1102. By Schrock, Bromm, Brown, Elmer, Hudkins, Jensen, Jones, Maurstad, Schellpeper, Schmitt

Jan. 8 Read first time 277
Jan. 9 Referred to Committee on Education 352
Jan. 22 Notice of hearing (2/12) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1103. By Schrock, Bromm, Dierks, Elmer, Hudkins, Maurstad, Schellpeper, Schmitt, Wehrbein, Wickersham

Jan. 8 Read first time 277
Jan. 9 Referred to Committee on Transportation 352
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1104. By Schrock, Dierks, Elmer, Hudkins, Jones, Maurstad, Schellpeper, Schmitt, Wickersham

Jan. 8 Read first time 277
Jan. 9 Referred to Committee on Transportation 352
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Placed on General File 827
Mar. 12 Schellpeper-Vrtiska-Dierks AM3747 printed 1196
Mar. 27 Schellpeper et al pending AM3747 p. 1196 adopted. Advanced for Review 1594
Mar. 27 Vrtiska name added 1599
Mar. 27 Schrock-Schellpeper AM4162 printed 1605
Mar. 28 Placed on Select File - AM7273 1664
Apr. 2 AM7273 (E & R) adopted. Schrock-Schellpeper pending AM4162 p. 1605 adopted. Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading w/E 42-0-7 1984
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 1026 amended into LB 1104 by AM3747)

LEGISLATIVE BILL 1105. By Schrock, Avery, Brown, Dierks, Jensen, Jones

Jan. 8 Read first time 277
Jan. 9 Referred to Committee on Health and Human Services 352
Jan. 25 Notice of hearing (2/14) 625
Feb. 28 Placed on General File - Com AM3357 969
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1106. By Schrock, Bromm, Elmer, Jones, Klein, Schellpeper

Jan. 8 Read first time 294
Jan. 9 Referred to Committee on Revenue 352
Feb. 6 Notice of hearing (2/22) 722
Feb. 29 Indefinitely postponed 996

LEGISLATIVE BILL 1107. By Lindsay

Jan. 8 Read first time 294
Jan. 8 Lindsay motion to withdraw bill laid over 337
Jan. 9 Referred to Committee on Revenue 352
Jan. 9 Lindsay pending motion p. 337 prevailed.
Withdrawn 355

LEGISLATIVE BILL 1108. By Dierks

Jan. 8 Read first time 294
Jan. 9 Referred to Committee on Health and
Human Services 352
Jan. 10 Notice of hearing (1/17) 367
Jan. 22 Placed on General File 548
Feb. 8 Advanced for Review 747
Feb. 15 Placed on Select File - AM7197 818
Feb. 15 Dierks AM3212 printed 825
Feb. 27 Matzke AM3361 (on file) printed 955
Feb. 28 AM7197 (E & R) adopted. Dierks pending
AM3212 p. 825 and Matzke pending AM3361
p. 955 adopted. Advanced for Engrossment 966
Feb. 29 Bernard-Stevens AM3398 printed 982
Mar. 5 Correctly Engrossed 1049
Mar. 5 ER9124 change 1051
Mar. 6 Bernard-Stevens AM3533 printed 1066
Apr. 11 Bernard-Stevens pending AM3398 p. 982
and AM3533 p. 1066 withdrawn.
Final Reading w/E 43-0-6 2046
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 1278 amended into LB 1108 by AM3361)

LEGISLATIVE BILL 1108A. By Dierks

Feb. 22 Read first time. Placed on General File 882
Mar. 14 Advanced for Review 1249
Mar. 19 Placed on Select File - AM7245 1302
Mar. 26 AM7245 (E & R) adopted.
Advanced for Engrossment 1516
Apr. 1 Correctly Engrossed 1687
Apr. 11 Final Reading 44-0-5 2047
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1109. By Witek

Jan. 8 Read first time 294
Jan. 9 Referred to Committee on General Affairs 352
Jan. 11 Notice of hearing (1/22) 381
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1110. By Hartnett

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Judiciary 352
Feb. 14 Notice of hearing (2/23) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1111. By McKenzie

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs 352
Jan. 11 Notice of hearing (1/19) 382
Jan. 31 Indefinitely postponed 664

LEGISLATIVE BILL 1112. By Bohlke, McKenzie

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Education 352
Jan. 22 Notice of hearing (1/30) 543
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1113. By Wesely, Dierks, Lynch, Schimek, Schrock

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Health and Human Services 352
Jan. 22 Notice of hearing (2/1) 544
Feb. 6 Placed on General File 720
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1114. By Warner, Coordsen, Hartnett, Will

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Revenue 352
Jan. 24 Notice of hearing (2/1) 581
Feb. 20 Coordsen priority bill 831
Mar. 6 Will AM3503 printed 1070
Mar. 11 Placed on General File - Com AM3657 (printed separate) 1167
Mar. 12 Executive Board approval of Speaker major proposal 1211
Mar. 14 Maurstad AM3836 printed 1275

Mar.	19	Warner AM3854 to committee AM3657 printed	1323
Mar.	20	Vrtiska AM3952 to committee AM3657 printed	1365
Mar.	20	Vrtiska AM3955 to committee AM3657 printed	1366
Mar.	20	Schellpeper AM3965 to committee AM3657 printed	1377
Mar.	21	Maurstad pending AM3836 p. 1275 pending	1402
Mar.	21	Chambers motion to bracket until 4/2/96 lost. Maurstad pending AM3836 p. 1275 lost. Pending	1404
Mar.	21	Warner pending AM3854 p. 1323 and Schellpeper pending AM3965 p. 1377 to committee AM3657 adopted. Beutler AM3998 lost. Pending	1411
Mar.	21	Beutler AM3878 and AM4005, and Bernard-Stevens AM3995 to committee AM3657 adopted. Chambers AM4011 and Janssen-Bromm AM4013 withdrawn. Beutler request to substitute amendment prevailed. Beutler FA569 withdrawn. Beutler substitute AM4014 to committee AM3657 adopted. Bernard-Stevens FA570 to committee AM3657 pending	1423
Mar.	21	Bernard-Stevens pending FA570 p. 1430, Will pending AM3503 p. 1070, Vrtiska pending AM3952 p. 1365, and Vrtiska pending AM3955 p. 1366 withdrawn. Committee AM3657 adopted as amended. Pending	1434
Mar.	25	Advanced for Review	1474
Mar.	25	Beutler AM3927 and AM4002 printed	1477
Mar.	27	Placed on Select File - AM7264 (printed separate)	1604
Mar.	27	Vrtiska AM4148 to AM7264 printed	1614
Mar.	28	Expedited	1646
Mar.	28	Maurstad-Schrock-Avery AM4216 and AM4131 to AM7264 printed	1670
Apr.	1	Schellpeper AM4264 to AM7264 printed	1716
Apr.	1	Beutler AM4273 to AM7264 printed	1724
Apr.	2	AM7264 (E & R) adopted. Warner-Kristensen AM4625 adopted as amended by Warner AM4298 and Beutler FA607. Beutler pending AM3927 p. 1477 withdrawn. Beutler pending AM4002 p. 1477 lost. Maurstad et al pending AM4131 p. 1670 lost as amended by Maurstad-Schellpeper-Pedersen AM4330. Pending	1791
Apr.	2	Janssen-Bromm AM4295 and Beutler AM4334 printed	1806
Apr.	3	Correction	1826
Apr.	3	Vrtiska pending AM4148 p. 1614 and Maurstad et al pending AM4216 p. 1670 withdrawn. Schellpeper pending AM4264 p. 1716	

adopted. Pending 1842
Apr. 3 Beutler request to substitute amendment prevailed. Beutler pending AM4273 p. 1724 withdrawn. Beutler substitute AM4334 p. 1806 lost. Warner FA611 to AM4295 pending 1845
Apr. 3 Janssen-Bromm pending AM4295 p. 1806 adopted as amended by Warner pending FA611 p. 1846. Warner FA612 withdrawn. Warner-Wickersham AM4364 (on file) adopted. Advanced for Engrossment 1847
Apr. 3 Bernard-Stevens FA616 printed 1867
Apr. 9 Correctly Engrossed 1922
Apr. 9 ER9174 change 1927
Apr. 11 Bernard-Stevens motion to return to Select File for pending FA616 p. 1867 lost 2029
Apr. 11 Bernard-Stevens motion to reconsider motion p. 2029 withdrawn 2030
Apr. 11 Final Reading 36-12-1 2031
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 11 Will explanation of vote 2078
Apr. 18 Approved by Governor (4/16) 2090

LEGISLATIVE BILL 1115. By Warner, Withem

Jan. 8 Read first time 295
Jan. 9 Referred to Committee on Revenue 352
Feb. 1 Notice of hearing (2/14) 681
Mar. 13 Indefinitely postponed 1233
(Provisions/portions of LB 1115 amended into LB 299 by AM4281)

LEGISLATIVE BILL 1116. By Bohlke

Jan. 8 Read first time 296
Jan. 9 Referred to Committee on Education 352
Jan. 22 Notice of hearing (2/13) 543
Mar. 12 Placed on General File 1184
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1116 amended into LB 1050 by AM3619)

LEGISLATIVE BILL 1117. By Bohlke, Withem

Jan. 8 Read first time 296
Jan. 9 Referred to Committee on Education 353
Jan. 22 Notice of hearing (2/26) 544
Mar. 11 Placed on General File 1174
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1118. By Abboud, Avery, Jensen, Pedersen, Witek

Jan. 8 Read first time 296
Jan. 9 Referred to Committee on Transportation 353
Jan. 26 Notice of hearing (2/6) 628
Feb. 20 Placed on General File - Com AM3194 828
Feb. 21 Transportation Committee priority bill 866
Mar. 21 Chambers FA567 and FA568 to committee AM3194 printed 1399
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1006 amended into LB 1118 by AM3194)

LEGISLATIVE BILL 1119. By Nebraska Retirement Systems Committee

Jan. 8 Read first time 297
Jan. 9 Referred to Committee on Nebraska Retirement Systems 353
Jan. 22 Nebraska Retirement Systems Committee priority bill 540
Jan. 23 Notice of hearing (1/31) 556
Mar. 11 Placed on General File - Com AM3722 1174
Mar. 20 Bohlke AM3760 (on file) printed 1356
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1119 amended into LB 1076 by AM3799)

LEGISLATIVE BILL 1120. By Appropriations Committee

Jan. 8 Read first time 323
Jan. 9 Referred to Committee on Appropriations 353
Jan. 23 Notice of hearing (1/31) 554
Mar. 7 Placed on General File 1091
Mar. 20 Advanced for Review 1380
Mar. 22 Placed on Select File 1469
Mar. 27 Advanced for Engrossment 1598
Mar. 27 Correctly Engrossed 1617
Apr. 9 Final Reading 32-15-2 1963
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Returned by Governor without approval (4/15) 2088

LEGISLATIVE BILL 1121. By Warner

Jan. 8 Read first time 323
Jan. 9 Referred to Committee on Revenue 353
Jan. 11 Notice of hearing (1/18) 409
Jan. 19 Placed on General File 535
Feb. 8 Warner AM2981 adopted. Advanced for Review 746

Feb.	14	Placed on Select File - AM7194	801
Feb.	22	Warner AM3149 printed	878
Mar.	7	AM7194 (E & R) adopted. Warner pending AM3149 p. 878 adopted. Advanced for Engrossment	1086
Mar.	13	Correctly Engrossed	1241
Apr.	3	Warner AM4268 printed	1857
Apr.	9	Returned to Select File for Warner amendment. Warner pending AM4268 p. 1857 adopted. Advanced for Reengrossment	1948
Apr.	9	Correctly Reengrossed	1976
Apr.	11	Final Reading w/E 43-1-5	2048
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/16)	2090
Apr.	18	Attorney General's Opinion #96031 to Klein	2092

LEGISLATIVE BILL 1122. By Warner, Hudkins

Jan.	8	Read first time	323
Jan.	9	Referred to Committee on Revenue	353
Jan.	11	Notice of hearing (1/18)	409
Jan.	19	Placed on General File - Com AM2792	533
Feb.	8	Committee AM2792 adopted. Warner FA434 adopted. Advanced for Review	745
Feb.	14	Placed on Select File - AM7183	799
Feb.	28	AM7183 (E & R) adopted. Advanced for Engrossment	965
Mar.	5	Correctly Engrossed	1028
Mar.	7	Hudkins name withdrawn	1128
Mar.	22	Final Reading w/E 38-1-10	1445
Mar.	22	President signed	1448
Mar.	22	Presented to Governor (3/22)	1453
Mar.	25	Approved by Governor (3/25)	1493

LEGISLATIVE BILL 1123. By Agriculture Committee

Jan.	8	Read first time	323
Jan.	9	Referred to Committee on Agriculture	353
Jan.	16	Notice of hearing (1/23)	427
Jan.	24	Placed on General File - Com AM2856	579
Feb.	14	Committee AM2856 adopted. Advanced for Review	789
Feb.	21	Placed on Select File - AM7205	865
Feb.	28	AM7205 (E & R) adopted. Advanced for Engrossment	967
Mar.	5	Correctly Engrossed	1049
Mar.	22	Final Reading 39-1-9	1445
Mar.	22	President signed	1448

Mar. 22 Presented to Governor (3/22) 1453
Mar. 25 Approved by Governor (3/25) 1493

LEGISLATIVE BILL 1124. By Withem, Warner

Jan. 8 Read first time 324
Jan. 9 Referred to Committee on Revenue 353
Feb. 1 Notice of hearing (2/14) 681
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1125. By Bromm, Avery, Brown, Engel, Jensen, Maurstad, Pedersen

Jan. 8 Read first time 324
Jan. 9 Referred to Committee on Judiciary 353
Jan. 11 Notice of hearing (1/19) 409
Feb. 6 Indefinitely postponed 721

LEGISLATIVE BILL 1126. By Will

Jan. 8 Read first time 324
Jan. 9 Referred to Committee on Business and Labor 353
Jan. 25 Notice of hearing (2/12) 609
Feb. 14 Placed on General File 798
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1127. By McKenzie, Bohlke, Bromm, Brown, Coordsen, Cudaback, Dierks, Elmer, Hudkins, Jones, Klein, Maurstad, Robak, Schellpeper, Schmitt, Schrock, Wickersham

Jan. 8 Read first time 324
Jan. 9 Referred to Committee on Natural Resources 353
Jan. 31 Notice of hearing (2/7) 664
Mar. 7 Hudkins name withdrawn 1128
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1128. By Hilgert, Engel, Jones, Lynch

Jan. 9 Read first time 340
Jan. 11 Referred to Committee on Appropriations 380
Jan. 24 Notice of hearing (2/6) 580
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1129. By Lindsay, Hilgert, Preister, Wesely, Will

Jan. 9 Read first time 340
Jan. 11 Referred to Committee on Business and Labor 380

Jan. 25 Notice of hearing (2/5) 609
Feb. 6 Indefinitely postponed 722

LEGISLATIVE BILL 1130. By Lindsay, Hilgert, Preister, Wesely, Will

Jan. 9 Read first time 340
Jan. 11 Referred to Committee on Business and Labor 380
Jan. 25 Notice of hearing (2/5) 609
Feb. 6 Placed on General File 722
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1131. By Lindsay, McKenzie

Jan. 9 Read first time 340
Jan. 11 Referred to Committee on Urban Affairs 380
Feb. 1 Notice of hearing (2/27) 670
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1132. By Robak

Jan. 9 Read first time 345
Jan. 11 Referred to Committee on Health and Human Services 380
Jan. 16 Notice of hearing (1/25) 426
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1133. By Schimek, Robinson

Jan. 9 Read first time 346
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 380
Jan. 17 Notice of hearing (1/24) 454
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 1134. By Pedersen

Jan. 9 Read first time 346
Jan. 11 Referred to Committee on Transportation 380
Jan. 26 Notice of hearing (2/13) 629
Feb. 14 Fisher name added 805
Feb. 20 Placed on General File 827
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1135. By Lindsay

Jan. 9 Read first time 346
Jan. 11 Referred to Committee on Government,

Military and Veterans Affairs 380
Jan. 24 Notice of hearing (1/31) 580
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 1136. By Lindsay

Jan. 9 Read first time 346
Jan. 11 Referred to Committee on Judiciary 380
Feb. 7 Notice of hearing (2/15) 740
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1137. By Lindsay

Jan. 9 Read first time 346
Jan. 11 Referred to Committee on Transportation 380
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1138. By Appropriations Committee

Jan. 9 Read first time 347
Jan. 11 Referred to Committee on Education 380
Jan. 22 Notice of hearing (1/30) 543
Feb. 1 Placed on General File - Com AM2977 669
Mar. 7 Committee AM2977 adopted. Advanced for Review ... 1087
Mar. 13 Placed on Select File - AM7230 1224
Mar. 14 AM7230 (E & R) adopted.
Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading w/E 38-0-11 1633
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 1138A. By Wehrbein

Feb. 7 Read first time. Placed on General File 740
Mar. 7 Advanced for Review 1087
Mar. 13 Placed on Select File - AM7231 1225
Mar. 14 AM7231 (E & R) adopted.
Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading w/E 43-0-6 1633
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 1139. By Robinson, Janssen, Lynch, Stuhr, Vrtiska

Jan.	9	Read first time	347
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	380
Jan.	17	Notice of hearing (1/24)	454
Jan.	30	Placed on General File - Com AM2937	648
Mar.	13	Committee AM2937 adopted. Advanced for Review	1220
Mar.	19	Placed on Select File	1286
Mar.	26	Beutler AM4122 adopted. Advanced for Engrossment	1517
Apr.	1	Correctly Engrossed	1687
Apr.	4	Final Reading 43-0-6	1883
Apr.	4	President signed	1887
Apr.	4	Presented to Governor (4/4)	1890
Apr.	9	Approved by Governor (4/9)	1920

LEGISLATIVE BILL 1140. By Bernard-Stevens

Jan.	9	Read first time	347
Jan.	11	Referred to Committee on Education	380
Jan.	22	Notice of hearing (1/30)	543
Feb.	29	Indefinitely postponed	980

LEGISLATIVE BILL 1141. By Bernard-Stevens

Jan.	9	Read first time	347
Jan.	11	Referred to Committee on Judiciary	380
Jan.	11	Notice of hearing (1/18)	409
Jan.	19	Bernard-Stevens priority bill	528
Jan.	23	Placed on General File	560
Jan.	26	Advanced for Review	634
Jan.	30	Placed on Select File	653
Feb.	7	Witek AM3072 lost. Pending	736
Feb.	7	Pending	740
Feb.	8	Witek FA433 printed	743
Feb.	15	Bernard-Stevens AM3225 printed	817
Feb.	20	Bernard-Stevens AM3241 printed	841
Feb.	29	Witek FA477 printed	982
Mar.	12	Witek pending FA433 p. 743, FA477 p. 982, Bernard-Stevens pending AM3225 p. 817, and AM3241 p. 841 withdrawn. Bernard-Stevens AM3289 adopted. Advanced for Engrossment	1180
Mar.	20	Correctly Engrossed	1369
Mar.	20	ER9137 change	1374
Mar.	28	Final Reading 45-0-4	1634
Mar.	28	Speaker signed	1651
Mar.	28	Presented to Governor (3/28)	1655

Apr. 2 Approved by Governor (4/1) 1766
(Provisions/portions of LB 1046 amended into LB 1141 by AM3289)

LEGISLATIVE BILL 1141A. By Bernard-Stevens

Jan. 30 Read first time. Placed on General File 644
Feb. 5 Advanced for Review 705
Feb. 6 Placed on Select File 718
Mar. 12 Bernard-Stevens motion to indefinitely postpone prevailed. Indefinitely postponed 1181

LEGISLATIVE BILL 1142. By Bernard-Stevens

Jan. 9 Read first time 347
Jan. 11 Referred to Committee on Education 380
Jan. 11 Notice of hearing (1/23) 385
Feb. 1 Indefinitely postponed 669

LEGISLATIVE BILL 1143. By Witek, Avery, Dierks, Jensen, Pirsch

Jan. 9 Read first time 347
Jan. 11 Referred to Committee on Appropriations 380
Jan. 24 Notice of hearing (2/12) 580
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1144. By Lynch

Jan. 9 Read first time 348
Jan. 11 Referred to Committee on Business and Labor 380
Jan. 25 Notice of hearing (2/12) 609
Feb. 15 Placed on General File - Com AM3202 811
Feb. 22 Hilgert name added 885
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1145. By Withem, Bernard-Stevens, Beutler, Crosby, Hartnett, Hilgert, Hillman, Landis, Lindsay, Lynch, Maurstad, Pedersen, Pirsch, Preister, Schimek, Wesely, Will

Jan. 9 Read first time 349
Jan. 11 Referred to Committee on Education 380
Jan. 22 Notice of hearing (1/30) 543
Feb. 20 Indefinitely postponed 834

LEGISLATIVE BILL 1146. By Wickersham

Jan. 9 Read first time 349
Jan. 11 Referred to Committee on Banking,

Commerce and Insurance 380
Jan. 16 Notice of hearing (1/23) 416
Jan. 25 Indefinitely postponed 609

LEGISLATIVE BILL 1147. By Wickersham

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 380
Jan. 18 Notice of hearing (1/26) 480
Feb. 23 Indefinitely postponed 902

LEGISLATIVE BILL 1148. By Avery, Coordsen, Crosby, Jones, Pirsch, Schmitt, Witek

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Transportation 380
Jan. 26 Notice of hearing (2/13) 629
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 1149. By Bohlke

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Education 380
Jan. 22 Notice of hearing (1/30) 543
Mar. 12 Indefinitely postponed 1184
(Provisions/portions of LB 1149 amended into LB 1050 by AM3077)

LEGISLATIVE BILL 1150. By Preister, Chambers, Hilgert, Lindsay, Will

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Banking, Commerce and Insurance 380
Jan. 26 Preister priority bill 628
Jan. 26 Notice of hearing (2/13) 629
Mar. 11 Preister motion to place on General File laid over 1152
Mar. 19 Preister pending motion p. 1152 lost. Stands indefinitely postponed 1300

LEGISLATIVE BILL 1151. By Preister, Jensen, Robinson

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Judiciary 380
Feb. 14 Notice of hearing (2/23) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1152. By Matzke

Jan. 9 Read first time 350
Jan. 11 Referred to Committee on Education 380
Jan. 22 Notice of hearing (2/26) 544
Mar. 12 Placed on General File - Com AM3758 1205
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1153. By Health and Human Services Committee

Jan. 9 Read first time 353
Jan. 11 Referred to Committee on Health and Human Services 380
Jan. 16 Notice of hearing (1/24) 426
Feb. 2 Placed on General File 688
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1153 amended into LB 1155 by AM2921)

LEGISLATIVE BILL 1154. By Health and Human Services Committee

Jan. 9 Read first time 354
Jan. 11 Referred to Committee on Health and Human Services 380
Jan. 16 Notice of hearing (1/26) 426
Feb. 28 Placed on General File - Com AM3191 960
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1154 amended into LB 1155 by AM4382)

LEGISLATIVE BILL 1155. By Health and Human Services Committee

Jan. 9 Read first time 354
Jan. 11 Referred to Committee on Health and Human Services 381
Jan. 16 Notice of hearing (1/24) 426
Jan. 25 Health and Human Services Committee priority bill 624
Feb. 2 Placed on General File - Com AM2921 ..... 694 (printed separate)
Mar. 5 Schellpeper-Wickersham-Dierks-Hillman AM3387 printed separate 1041
Mar. 5 Schimek AM3560 printed 1046
Mar. 6 Wickersham AM3588 to AM3387 printed 1082
Mar. 6 Committee AM2921 adopted. Schellpeper et al pending AM3387 p. 1041 adopted as amended by Wickersham pending AM3588 p. 1082. Advanced for Review 1083
Mar. 13 Placed on Select File - AM7236 (printed separate) 1221
Mar. 14 Wesely AM3673 printed separate 1268

Mar. 21 Beutler AM4024 to AM7236 printed 1435
Mar. 22 Beutler AM4035 to AM7236 printed 1466
Mar. 27 Maurstad-Wesely AM4161 to AM3673 printed 1605
Apr. 3 Wesely AM4382 to AM7236 printed 1858
Apr. 4 AM7236 (E & R) adopted. Wesely pending AM3673 p. 1268 adopted as amended by Maurstad-Wesely pending AM4161 p. 1605. Beutler pending AM4024 p. 1435 and AM4035 p. 1466 withdrawn. Wesely pending AM4382 p. 1858 and Schimek pending AM3560 p. 1046 adopted. Advanced for Engrossment 1906
Apr. 9 Correctly Engrossed. ER9183 change 1941
Apr. 11 Final Reading w/E 43-2-4 2049
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 497 amended into LB 1155 by AM4382)
(Provisions/portions of LB 954 amended into LB 1155 by AM3560)
(Provisions/portions of LB 961 amended into LB 1155 by AM2921)
(Provisions/portions of LB 981 amended into LB 1155 by AM3387)
(Provisions/portions of LB 1153 amended into LB 1155 by AM2921)
(Provisions/portions of LB 1154 amended into LB 1155 by AM4382)
(Provisions/portions of LB 1156 amended into LB 1155 by AM3673)
(Provisions/portions of LB 1210 amended into LB 1155 by AM3387)
(Provisions/portions of LB 1257 amended into LB 1155 by AM3673)
(Provisions/portions of LB 1366 amended into LB 1155 by AM3387)

LEGISLATIVE BILL 1155A. By Wesely

Mar. 12 Read first time. Placed on General File 1205
Mar. 28 Advanced for Review 1664
Apr. 1 Placed on Select File - AM7286 1715
Apr. 4 AM7286 (E & R) adopted. Wesely AM4021 adopted. Advanced for Engrossment 1907
Apr. 9 Correctly Engrossed 1941
Apr. 9 ER9186 change 1944
Apr. 11 Final Reading 44-0-5 2051
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1156. By Health and Human Services Committee

Jan. 9 Read first time 354
Jan. 10 Robak name added 373
Jan. 11 Referred to Committee on Health and Human Services 381
Jan. 16 Notice of hearing (1/25) 426

Feb. 2 Placed on General File - Com AM2938 694
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1156 amended into LB 1155 by AM3673)

LEGISLATIVE BILL 1157. By Robinson

Jan. 9 Read first time 355
Jan. 11 Referred to Committee on Health and Human Services 381
Jan. 25 Notice of hearing (2/15) 625
Feb. 28 Placed on General File 970
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1157 amended into LB 1304 by AM3906)

LEGISLATIVE BILL 1158. By Kristensen

Jan. 9 Read first time 358
Jan. 11 Referred to Committee on Transportation 381
Jan. 26 Notice of hearing (2/5) 628
Feb. 20 Placed on General File - Com AM3196 829
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1159. By Stuhr

Jan. 9 Read first time 359
Jan. 11 Referred to Committee on Urban Affairs 381
Jan. 16 Notice of hearing (1/23) 427
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1160. By Schimek

Jan. 9 Read first time 359
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 381
Jan. 18 Notice of hearing (1/25) 480
Feb. 5 Indefinitely postponed 706

LEGISLATIVE BILL 1161. By Hillman, Bernard-Stevens, Klein, Matzke, Wickersham

Jan. 9 Read first time 359
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 381
Jan. 18 Notice of hearing (1/26) 480
Feb. 5 Placed on General File 706
Mar. 20 Advanced for Review 1327
Mar. 25 Placed on Select File 1480
Mar. 26 Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705

Apr. 4 Final Reading 43-0-6 1884
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 1162. By Maurstad

Jan. 10 Read first time 363
Jan. 11 Referred to Committee on Urban Affairs 404
Jan. 16 Notice of hearing (1/23) 427
Jan. 30 Placed on General File - Com AM2926 648
Mar. 6 Committee AM2926 adopted. Advanced for Review ... 1060
Mar. 7 Placed on Select File - AM7224 1105
Mar. 14 AM7224 (E & R) adopted.
Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 45-0-4 1635
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 1163. By Cudaback

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Urban Affairs 404
Jan. 16 Notice of hearing (1/23) 427
Jan. 30 Indefinitely postponed 648

LEGISLATIVE BILL 1164. By Cudaback

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Government,
Military and Veterans Affairs 404
Jan. 17 Notice of hearing (1/24) 454
Feb. 7 Placed on General File - Com AM3038 725
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1165. By Cudaback

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Urban Affairs 404
Jan. 16 Notice of hearing (1/23) 427
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1166. By Robak

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Revenue 404

Jan. 19 Notice of hearing (1/26) 530
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1167. By Coordsen

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Business and Labor 404
Jan. 25 Notice of hearing (2/5) 609
Feb. 6 Placed on General File 721
Feb. 21 Business and Labor Committee priority bill 853
Mar. 5 Lindsay AM3425 printed separate 1040
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1167 amended into LB 1212 by AM4289)

LEGISLATIVE BILL 1168. By Coordsen

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Judiciary 404
Jan. 24 Notice of hearing (1/31) 595
Feb. 6 Indefinitely postponed 722

LEGISLATIVE BILL 1169. By Abboud, Avery, Brashear, Brown, Hartnett, Hilgert, Jensen, Lindsay, Lynch, Pedersen, Pirsch, Preister, Will, Witek

Jan. 10 Read first time 364
Jan. 11 Referred to Committee on Education 404
Jan. 22 Notice of hearing (2/20) 544
Feb. 21 Indefinitely postponed 853

LEGISLATIVE BILL 1170. By Avery, Abboud, Hilgert, Pedersen, Robak, Robinson

Jan. 10 Read first time 365
Jan. 11 Referred to Committee on Urban Affairs 404
Jan. 16 Notice of hearing (1/23) 427
Jan. 30 Placed on General File 648
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1171. By Lindsay, at the request of the Governor

Jan. 10 Read first time 365
Jan. 11 Referred to Committee on Judiciary 404
Jan. 19 Notice of hearing (1/26) 535
Feb. 21 Engel priority bill 866
Feb. 21 Engel name added 867
Feb. 28 Placed on General File 971
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1171A. By Lindsay, Engel

Mar. 11 Read first time. Placed on General File 1153
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1172. By Robinson, Matzke, Maurstad, Schimek, Withem

Jan. 10 Read first time 369
Jan. 11 Referred to Committee on Government, Military and Veterans Affairs 404
Jan. 31 Notice of hearing (2/8) 665
Feb. 21 Government, Military and Veterans Affairs Committee priority bill 853
Feb. 28 Placed on General File 970
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1173. By Klein, Engel, Hillman, Maurstad, Robak, Stuhr

Jan. 10 Read first time 370
Jan. 11 Referred to Committee on Revenue 404
Jan. 17 Notice of hearing (1/24) 453
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1174. By Dierks, Jones, Schmitt, Schrock, Wickersham

Jan. 10 Read first time 370
Jan. 11 Referred to Committee on Agriculture 404
Jan. 26 Notice of hearing (2/6) 630
Feb. 13 Agriculture Committee priority bill 766
Feb. 15 Placed on General File - Com AM3174 808
Feb. 27 Dierks AM3302 to committee AM3174 printed 933
Mar. 5 Dierks AM3557 to committee AM3174 printed 1057
Mar. 6 Committee AM3174 adopted as amended by Dierks pending AM3557 p. 1057 and Chambers FA494. Dierks pending AM3302 p. 933 withdrawn. Advanced for Review 1083
Mar. 13 Placed on Select File - AM7228 1221
Apr. 3 AM7228 (E & R) adopted. Advanced for Engrossment 1855
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 48-0-1 2051
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1175. By Fisher, Brashear, Bromm, Cudaback, Jones, Schrock, Wickersham

Jan. 10 Read first time 370
Jan. 11 Referred to Committee on Transportation 404
Jan. 24 Fisher AM2894 printed 581
Jan. 26 Notice of hearing (2/13) 629
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1176. By Warner

Jan. 10 Read first time 370
Jan. 11 Referred to Committee on Revenue 404
Jan. 17 Notice of hearing (1/25) 453
Feb. 21 Revenue Committee priority bill 866
Mar. 12 Placed on General File - Com AM3651 1198
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1177. By Warner

Jan. 10 Read first time 371
Jan. 11 Referred to Committee on Revenue 404
Jan. 17 Notice of hearing (1/25) 453
Feb. 20 McKenzie priority bill 848
Mar. 11 Placed on General File - Com AM3653 1167
(printed separate)
Mar. 25 Committee AM3653 adopted. Advanced for Review ... 1500
Mar. 27 Placed on Select File - AM7266 1604
Mar. 27 Warner AM4168 printed 1606
Apr. 3 AM7266 (E & R) adopted. Warner pending
AM4168 p. 1606 adopted.
Advanced for Engrossment 1865
Apr. 9 Correctly Engrossed 1911
Apr. 9 ER9184 change 1912
Apr. 9 Wesely FA636 printed 1945
Apr. 11 Wesely motion to return to Select File
for pending FA636 p. 1945 withdrawn.
Final Reading 43-3-3 2032
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Governor (4/11) 2059
Apr. 11 Will explanation of vote 2078
Apr. 18 Approved by Governor (4/16) 2090
(Provisions/portions of LB 1083 amended into LB 1177 by AM3653)

LEGISLATIVE BILL 1178. By Beutler

Jan. 10 Read first time 371
Jan. 11 Referred to Committee on Education 404
Jan. 22 Notice of hearing (2/13) 543

Mar. 5 Placed on General File 1051
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1178 amended into LB 1050 by AM3620)

LEGISLATIVE BILL 1179. By Jensen, Lynch, Will

Jan. 10 Read first time 371
Jan. 11 Referred to Committee on Transportation 404
Jan. 26 Notice of hearing (2/6) 628
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1180. By Matzke

Jan. 11 Read first time 386
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 433
Jan. 26 Notice of hearing (2/12) 629
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1181. By Wehrbein, Dierks, Schellpeper

Jan. 11 Read first time 386
Jan. 17 Referred to Committee on General Affairs 433
Jan. 25 Notice of hearing (2/5) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1182. By Fisher, Abboud, Avery, Brashear, Cudaback, Hudkins, Jensen, Jones, Pirsch, Robinson, Schmitt, Schrock, Vrtiska, Witek

Jan. 11 Read first time 386
Jan. 17 Referred to Committee on Judiciary 433
Jan. 17 Robinson name withdrawn 463
Jan. 17 Vrtiska name withdrawn 464
Feb. 14 Notice of hearing (2/22) 795
Mar. 7 Hudkins name withdrawn 1128
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1183. By McKenzie, Bohlke

Jan. 11 Read first time 386
Jan. 17 Referred to Committee on Business and Labor 433
Jan. 18 Rereferred to Committee on Health and Human Services 466
Jan. 25 Notice of hearing (2/15) 625
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1184. By Landis

Jan. 11 Read first time 387
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 433
Jan. 23 Notice of hearing (1/30) 556
Jan. 31 Placed on General File 667
Mar. 6 Advanced for Review 1060
Mar. 11 Placed on Select File 1142
Mar. 14 Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Mar. 28 Final Reading 44-0-5 1636
Mar. 28 Speaker signed 1651
Mar. 28 Presented to Governor (3/28) 1655
Apr. 2 Approved by Governor (4/1) 1766

LEGISLATIVE BILL 1185. By Landis

Jan. 11 Read first time 387
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 433
Jan. 26 Notice of hearing (2/6) 629
Feb. 7 Placed on General File 738
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1185 amended into LB 515 by AM3994)

LEGISLATIVE BILL 1186. By Hartnett, Chambers, Hilgert, Lynch, Preister

Jan. 11 Read first time 404
Jan. 17 Referred to Committee on Urban Affairs 433
Feb. 1 Notice of hearing (2/20) 670
Feb. 29 Placed on General File 992
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1187. By Hartnett, Avery, Withem

Jan. 11 Read first time 404
Jan. 17 Referred to Committee on Health and Human Services 433
Jan. 25 Notice of hearing (2/8) 625
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1188. By Matzke, Jensen, Klein, Pirsch, Schimek, Wesely, Wickersham

Jan. 11 Read first time 404
Jan. 17 Referred to Committee on Health and Human Services 433
Jan. 22 Notice of hearing (2/1) 544
Jan. 31 Matzke priority bill 662

Feb.	27	Placed on General File - Com AM3278	947
Mar.	5	Lindsay AM3525 to committee AM3278 printed	1045
Mar.	5	Lindsay AM3526 to committee AM3278 printed	1046
Mar.	11	Lindsay AM3712 to committee AM3278 printed	1171
Mar.	25	Will AM4091 and AM4092 to committee AM3278 printed	1508
Mar.	25	Hilgert AM4058 and AM4059 to committee AM3278 printed	1511
Mar.	27	McKenzie AM4125 to committee AM3278 printed	1609
Mar.	28	Lindsay request to substitute amendment prevailed. Lindsay pending AM3525 p. 1045 withdrawn. Matzke-Lindsay-Wesely substitute AM4213 to committee AM3278 adopted. Lindsay request to substitute amendment prevailed. Lindsay pending AM3526 p. 1046 withdrawn. Lindsay substitute FA600 to committee AM3278 adopted. Lindsay pending AM3712 p. 1171, Will pending AM4091 and AM4092 p. 1508, Hilgert pending AM4058 and AM4059 p. 1511, and McKenzie pending AM4125 p. 1609 withdrawn. Committee AM3278 adopted as amended. Advanced for Review	1655
Apr.	1	Placed on Select File - AM7284	1715
Apr.	3	AM7284 (E & R) adopted. Advanced for Engrossment	1855
Apr.	9	Correctly Engrossed	1911
Apr.	9	ER9179 change	1912
Apr.	11	Final Reading w/E 46-0-3	2052
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1188A. By Matzke

Feb.	29	Read first time. Placed on General File	996
Mar.	28	Advanced for Review	1662
Apr.	1	Placed on Select File - AM7285	1715
Apr.	3	AM7285 (E & R) adopted. Advanced for Engrossment	1855
Apr.	9	Correctly Engrossed	1911
Apr.	11	Final Reading w/E 45-1-3	2053
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1189. By Speaker Withem, at the request of the Governor

Jan. 11 Read first time 405
Jan. 17 Referred to Committee on Appropriations 433
Jan. 17 Notice of hearing (1/24) 453
Mar. 7 Placed on General File - Com AM3434 1091
(printed separate)
Mar. 7 Appropriations Committee AM3549 to committee AM3434 printed 1093
Mar. 12 Wehrbein-Brashear-Maurstad-Engel-Hillman-Brown-Crosby AM3734 to committee AM3434 printed 1192
Mar. 13 Appropriations Committee pending AM3549 p. 1093 to committee AM3434 adopted. Pending 1222
Mar. 13 Wehrbein request to substitute AM3734 - Objection by Chambers. Wehrbein motion to substitute AM3734 p. 1192 pending 1227
Mar. 13 Lindsay AM3769 to AM3549 printed. Lindsay AM3772, Wehrbein FA539 and FA540 to committee AM3434 printed 1228
Mar. 13 Chambers FA541 and FA542 to AM3549 printed 1229
Mar. 13 Schimek AM3803 and Wehrbein AM3804 to committee AM3434 printed 1244
Mar. 14 Schimek pending AM3803 and Wehrbein pending AM3804 p. 1244 to committee AM3434 adopted. Wehrbein et al pending AM3734 p. 1192 withdrawn. Lindsay pending AM3769 p. 1228 lost. Pending 1261
Mar. 14 Wehrbein request for division of question on Lindsay AM3772 p. 1228 ruled out of order. Lindsay pending AM3772 p. 1228 lost. Wehrbein pending FA539 and FA540 p. 1228 withdrawn. Chambers FA541 p. 1229 pending 1271
Mar. 14 Pedersen FA545 printed. Bernard-Stevens AM3777 to committee AM3434 printed 1275
Mar. 14 Bernard-Stevens AM3776, Bernard-Stevens-Will AM3822, Chambers FA546, and Wehrbein FA547 to committee AM3434 printed 1276
Mar. 14 Chambers pending FA541 p. 1229 lost. Pending 1277
Mar. 19 Bernard-Stevens AM3838 and Avery AM3847 to committee AM3434 printed 1298
Mar. 19 Bernard-Stevens AM3897 to committee AM3434 printed 1316
Mar. 20 Chambers pending FA542 p. 1229, Pedersen pending FA545 p. 1275, and Bernard-Stevens pending AM3777 p. 1275 withdrawn. Bernard-Stevens pending AM3776 p. 1276 to committee AM3434 adopted. Bernard-Stevens-Will pending AM3822 p. 1276 lost. Pending 1353
Mar. 20 Chambers pending FA546 p. 1276 lost. Wehrbein pending FA547 p. 1276 to committee

AM3434 adopted. Avery request to substitute amendment prevailed. Avery pending AM3847 p. 1298 withdrawn. Avery substitute AM3971 to committee AM3434 adopted. Committee AM3434 adopted as amended. Advanced for Review 1366
Mar. 20 Bernard-Stevens-Will AM3975 and Avery AM3956 printed 1376
Mar. 20 Avery AM3961, AM3967, AM3974, and Bernard-Stevens AM3979 printed 1377
Mar. 22 Placed on Select File - AM7254 (printed separate) 1469
Mar. 26 Warner AM3787 printed 1527
Mar. 26 Brown-Hillman-Maurstad-Wehrbein-Engel-Schrock-Brashear-Lynch AM4048, and Bernard-Stevens AM4054 and AM4075 to AM7254 printed 1530
Mar. 26 Bernard-Stevens-Will-Withem-Bohlke AM4049 to AM7254 printed 1531
Mar. 26 Pedersen AM4084 to AM7254 printed 1547
Mar. 26 Wehrbein AM4132 to AM7254 printed 1549
Mar. 26 Schimek AM4083 to AM7254 printed 1550
Mar. 26 Coordsen-Kristensen-Vrtiska-Hartnett-Chambers-Maurstad-Wickersham-Withem-Janssen-Elmer-Robak-McKenzie AM4114 and Warner AM4138 to AM7254 printed 1561
Mar. 26 Lindsay-Engel-Fisher AM4155 to AM7254 printed 1592
Mar. 28 Wehrbein AM4198 to AM7254 printed 1652
Apr. 1 AM7254 (E & R) adopted. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens-Will pending AM3975 p. 1376 withdrawn. Stuhr name added to AM4049. Bernard-Stevens et al substitute AM4049 p. 1531 adopted. Avery request to substitute amendment prevailed. Avery pending AM3956 p. 1376 withdrawn. Avery substitute AM4050 lost. Pending 1702
Apr. 1 Avery request to substitute amendment prevailed. Avery pending AM3961 p. 1377 withdrawn. Avery substitute AM4051 withdrawn. Avery pending AM3967 p. 1377 withdrawn. Avery request to substitute amendment prevailed. Avery pending AM3974 p. 1377 withdrawn. Avery substitute AM4053 lost. Bernard-Stevens pending AM3888 p. 1298 withdrawn. Chambers AM4074 lost. Pending 1708
Apr. 1 Bernard-Stevens pending AM3897 p. 1316 withdrawn. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM3979 p. 1377 withdrawn. Bernard-Stevens substitute AM4054 p. 1530

adopted. Warner request to substitute amendment prevailed. Warner pending AM3787 p. 1527 withdrawn. Warner substitute AM4138 p. 1561 adopted. Brown et al pending AM4048 p. 1530 lost. Bernard-Stevens pending AM4075 p. 1530 withdrawn. Pedersen pending AM4084 p. 1547 lost. Pending 1716
Apr. 1 Vrtiska-Hilgert AM4173 printed 1720
Apr. 1 Warner AM4257 printed 1721
Apr. 1 McKenzie AM4260 and Wehrbein AM4235 printed ... 1722
Apr. 1 Lindsay AM4206 printed 1723
Apr. 1 Wehrbein request to substitute amendment prevailed. Wehrbein pending AM4132 p. 1549 withdrawn. Wehrbein substitute AM4235 p. 1722 adopted. Schimek pending AM4083 p. 1550 and Coordsen et al pending AM4114 p. 1561 adopted. Pending 1739
Apr. 2 Bernard-Stevens motion to reconsider Coordsen et al AM4114 p. 1561 lost. Lindsay FA608 to AM4155 p. 1592 adopted. Pending 1804
Apr. 2 Lindsay et al pending AM4155 p. 1592 adopted as amended by Wehrbein AM4303 and Lindsay-Chambers-Wesely FA610. Wehrbein pending AM4198 p. 1652, Vrtiska-Hilgert pending AM4173 p. 1720, and McKenzie pending AM4260 p. 1722 withdrawn. Warner pending AM4257 p. 1721 adopted. Lindsay pending AM4206 p. 1723 and Bernard-Stevens AM4355 lost. Wickersham motion to reconsider AM4048 prevailed. Brown et al reconsidered AM4048 p. 1530 adopted. Advanced for Engrossment 1809
Apr. 3 Correctly Engrossed 1864
Apr. 3 ER9164 change 1865
Apr. 9 Final Reading w/E 41-1-7 1917
Apr. 9 Speaker signed 1918
Apr. 9 Presented to Governor (4/9) 1921
Apr. 10 Lindsay explanation of vote 2009
Apr. 18 Approved by Governor with line-item veto (4/15) 2084
Apr. 18 Appropriations Committee motion to override line-item veto (section 93) passed 32-7-10 2094
Apr. 18 Bernard-Stevens motion to override line-item veto (section 101) failed 9-27-13 2095
Apr. 18 Coordsen motion to override line-item veto (section 78) withdrawn. Crosby motion to override line-item veto (section 94) failed 13-22-14 2096
Apr. 18 Communication 2098
Apr. 18 Certificate 2099

Apr. 23 Message from Secretary of State 2112
Apr. 23 Certificate 2113

LEGISLATIVE BILL 1190. By Withem, Wehrbein, at the request of the Governor

Jan. 11 Read first time 405
Jan. 17 Referred to Committee on Appropriations 433
Jan. 23 Notice of hearing (2/1) 554
Mar. 7 Placed on General File - Com AM3412 1092
(printed separate)
Mar. 13 Wehrbein AM3773 to committee AM3412 printed 1234
Mar. 20 Wehrbein pending AM3773 p. 1234
withdrawn. Pending 1380
Mar. 26 Lindsay-Wehrbein-Withem-Wickersham
AM4143 to committee AM3412 printed 1562
Mar. 27 Lindsay et al pending AM4143 p. 1562 to
committee AM3412 adopted. Bromm FA590
to committee AM3412 sustained division
of question. Bromm FA592 adopted. Bromm
FA593 and Lynch FA591 withdrawn. Pending 1595
Mar. 27 Bromm FA594 and Wehrbein FA595 to
committee AM3412 printed 1599
Mar. 28 Lynch AM4197 and AM4176 to committee
AM3412 printed 1653
Mar. 28 Lynch AM4182 to committee AM3412 printed 1654
Mar. 28 Wehrbein-Lindsay-Wickersham-Bromm-Witek
AM4192 to committee AM3412 printed 1662
Apr. 1 Bromm pending FA594 and Wehrbein pending
FA595 p. 1599, Lynch pending AM4197,
AM4176 p. 1653, and AM4182 p. 1654
withdrawn. Committee AM3412 adopted as
amended by Wehrbein et al pending AM4192
p. 1662. Advanced for Review 1728
Apr. 2 Placed on Select File - AM7294 1786
Apr. 9 AM7294 (E & R) adopted. Vrtiska-Wehrbein-
Coordsen-Janssen-Cudaback names added to
AM4182. Lynch et al reoffered AM4182 p. 1654
adopted. Advanced for Engrossment 1945
Apr. 9 Correctly Engrossed 1976
Apr. 9 ER9190 change 1977
Apr. 11 Final Reading w/E 41-6-2 2054
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1190A. By Appropriations Committee

Mar. 7 Read first time. Placed on General File 1095
Mar. 28 Lynch AM4218 printed 1671
Apr. 1 Lynch pending AM4218 p. 1671 withdrawn. Advanced for Review 1729
Apr. 1 Lynch AM4227 printed 1730
Apr. 2 Placed on Select File - AM7293 1786
Apr. 9 AM7293 (E & R) adopted. Vrtiska-Wehrbein-Coordsen-Janssen-Cudaback names added to AM4227. Lynch pending AM4227 p. 1730 adopted. Advanced for Engrossment 1946
Apr. 9 Correctly Engrossed 1976
Apr. 11 Final Reading w/E 38-9-2 2054
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1191. By Speaker Withem, at the request of the Governor

Jan. 11 Read first time 405
Jan. 17 Referred to Committee on Transportation 434
Jan. 26 Notice of hearing (2/12) 628
Feb. 20 Placed on General File 827
Mar. 20 Advanced for Review 1380
Mar. 22 Placed on Select File - AM7248 1469
Mar. 27 AM7248 (E & R) adopted. Advanced for Engrossment 1598
Mar. 27 Correctly Engrossed 1617
Apr. 9 Final Reading w/E 40-3-6 1964
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1192. By Withem, Bohlke, Bromm, Coordsen, McKenzie, Warner, Wehrbein

Jan. 11 Read first time 405
Jan. 17 Referred to Committee on Appropriations 434
Jan. 24 Notice of hearing (2/12) 580
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1193. By Janssen, Lynch, Schmitt

Jan. 11 Read first time 405
Jan. 17 Referred to Committee on Urban Affairs 434
Feb. 1 Notice of hearing (2/13) 670
Feb. 15 Placed on General File - Com AM3207 812
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1194. By Crosby

Jan.	11	Read first time	406
Jan.	17	Referred to Committee on Health and Human Services	434
Feb.	13	Notice of hearing (2/22)	786
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1195. By Wesely

Jan.	11	Read first time	406
Jan.	17	Referred to Committee on Judiciary	434
Feb.	1	Notice of hearing (2/8)	683
Feb.	28	Indefinitely postponed	971

LEGISLATIVE BILL 1196. By Wesely

Jan.	11	Read first time	406
Jan.	17	Referred to Committee on Revenue	434
Jan.	26	Notice of hearing (2/2)	629
Feb.	12	Indefinitely postponed	762

LEGISLATIVE BILL 1197. By Lindsay

Jan.	11	Read first time	406
Jan.	17	Referred to Committee on Judiciary	434
Jan.	18	Notice of hearing (1/25)	480
Feb.	5	Placed on General File	706
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1198. By Lindsay

Jan.	11	Read first time	406
Jan.	17	Referred to Committee on Judiciary	434
Jan.	18	Notice of hearing (1/25)	480
Feb.	5	Indefinitely postponed	706

LEGISLATIVE BILL 1199. By Lindsay

Jan.	11	Read first time	407
Jan.	17	Referred to Committee on Judiciary	434
Feb.	14	Notice of hearing (2/21)	795
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1200. By Hartnett, Robinson

Jan.	11	Read first time	407
Jan.	17	Referred to Committee on Education	434

Jan. 22 Notice of hearing (2/5) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1201. By Beutler

Jan. 11 Read first time 407
Jan. 17 Referred to Committee on Natural Resources 434
Jan. 24 Notice of hearing (1/31) 581
Feb. 20 Dierks priority bill 834
Feb. 27 Placed on General File - Com AM3284 924
Mar. 27 Landis AM4189 to committee AM3284 printed 1616
Mar. 28 Committee AM3284 adopted. Landis pending AM4189 p. 1616 lost. Advanced for Review 1648
Apr. 1 Placed on Select File - AM7288 1712
Apr. 3 AM7288 (E & R) adopted. Advanced for Engrossment 1855
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 41-5-3 2055
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/16) 2090

LEGISLATIVE BILL 1202. By Schrock, Coordsen, Elmer, Jones, Kristensen, Vrtiska

Jan. 11 Read first time 407
Jan. 17 Referred to Committee on Urban Affairs 434
Feb. 1 Notice of hearing (2/20) 670
Feb. 29 Placed on General File - Com AM3333 992
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1203. By Landis

Jan. 11 Read first time 407
Jan. 17 Referred to Committee on Banking, Commerce and Insurance 434
Jan. 26 Notice of hearing (2/12) 629
Feb. 15 Placed on General File - Com AM3197 815
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1204. By Wickersham, Jensen, Wesely

Jan. 11 Read first time 408
Jan. 17 Referred to Committee on Revenue 434
Feb. 6 Notice of hearing (2/15) 722
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1205. By Bromm, Bernard-Stevens, Coordsen, Elmer, Hillman, Hudkins, Jensen, Jones, Kristensen, Matzke, Pirsch, Schellpeper, Schrock, Stuhr, Wickersham, Witek

Jan.	11	Read first time	408
Jan.	16	Jones priority bill	427
Jan.	16	Bohlke name added	431
Jan.	17	Referred to Committee on Education	434
Jan.	22	Notice of hearing (2/12)	543
Feb.	15	Placed on General File - Com AM3189	807
Feb.	15	Hartnett name added	826
Feb.	20	Warner AM3248 to committee AM3189 sustained division of question. Warner request to substitute FA447 prevailed. Warner FA447 withdrawn. Warner substitute FA449 to committee AM3189 adopted. Warner FA448 lost. Pending	834
Feb.	20	Bromm AM2867, Wickersham FA445, and Withem-Wesely FA446 printed	841
Feb.	20	Engel name added	848
Feb.	21	Wickersham pending FA445 p. 841 adopted. Withem-Wesely pending FA446 p. 841 pending	854
Feb.	21	Withem-Wesely pending FA446 p. 841 lost. Withem-Wesely FA450 withdrawn. Committee AM3189 adopted as amended. Bromm pending AM2867 p. 841 adopted. Advanced for Review	859
Feb.	21	Chambers FA451 printed	866
Feb.	27	Placed on Select File - AM7212	921
Mar.	7	Withem AM3608 to AM7212 printed	1092
Mar.	7	Withem AM3604 to AM7212 printed	1093
Mar.	7	Hudkins name withdrawn	1128
Mar.	11	AM7212 (E & R) adopted. Chambers pending FA451 p. 866, Withem pending AM3608 p. 1092, and Bromm AM3628 withdrawn. Withem request to substitute amendment prevailed. Withem pending AM3604 p. 1093 withdrawn. Withem substitute AM3730 adopted as amended by Wickersham FA529 and Withem FA532. Chambers FA530 adopted. Advanced for Engrossment	1167
Mar.	20	Correctly Engrossed	1369
Mar.	20	ER9136 change	1374
Mar.	27	Withem-Bromm AM4113 printed	1615
Mar.	28	Returned to Select File for Withem-Bromm amendment. Withem-Bromm pending AM4113 p. 1615 adopted. Advanced for Reengrossment	1636
Apr.	2	Correctly Reengrossed	1784
Apr.	9	Final Reading 36-9-4	1970
Apr.	9	President signed	1978

Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1206. By Wesely, Avery, Beutler, Coordsen, Crosby, Cudaback, Engel, Hilgert, Klein, McKenzie, Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Stuhr, Witek

Jan. 11 Read first time 408
Jan. 16 Brown and Hudkins names added 431
Jan. 17 Referred to Committee on Judiciary 434
Jan. 17 Will name added 463
Jan. 18 Notice of hearing (1/25) 480
Jan. 19 Jensen name added 535
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1207. By Avery, Cudaback, Hudkins, Jones, Pedersen

Jan. 11 Read first time 408
Jan. 17 Referred to Committee on Urban Affairs 434
Feb. 1 Notice of hearing (2/27) 670
Mar. 5 Placed on General File - Com AM3487 1038
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1208. By Schrock, Cudaback

Jan. 11 Read first time 408
Jan. 17 Referred to Committee on Agriculture 434
Jan. 18 McKenzie name added 521
Jan. 23 Notice of hearing (1/30) 554
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1209. By Beutler

Jan. 16 Read first time 416
Jan. 18 Referred to Committee on Judiciary 466
Jan. 24 Notice of hearing (1/31) 595
Feb. 6 Indefinitely postponed 722

LEGISLATIVE BILL 1210. By Schellpeper, Bromm, Coordsen, Dierks, Matzke, Maurstad, Stuhr, Vrtiska

Jan. 16 Read first time 416
Jan. 18 Referred to Committee on Health and Human Services 466
Jan. 25 Notice of hearing (2/7) 624
Feb. 23 Placed on General File 891
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1210 amended into LB 1155 by AM3387)

LEGISLATIVE BILL 1211. By Robak

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Urban Affairs 466
Feb. 1 Notice of hearing (2/13) 670
Feb. 20 Placed on General File - Com AM3209 847
(printed separate)
Feb. 21 Urban Affairs Committee priority bill 852
Mar. 11 Lynch AM3643 to committee AM3209 printed 1158
Mar. 13 Committee AM3209 adopted as amended by
Lynch pending AM3643 p. 1158.
Advanced for Review 1241
Mar. 19 Placed on Select File - AM7243 1286
Apr. 3 AM7243 (E & R) adopted.
Advanced for Engrossment 1855
Apr. 3 Abboud, Hartnett, and Lynch names added 1870
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 46-0-3 2056
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 1017 amended into LB 1211 by AM3209)
(Provisions/portions of LB 1093 amended into LB 1211 by AM3209)
(Provisions/portions of LB 1237 amended into LB 1211 by AM3209)

LEGISLATIVE BILL 1211A. By Robak

Mar. 19 Read first time. Placed on General File 1311
Mar. 28 Advanced for Review 1664
Apr. 1 Placed on Select File 1715
Apr. 3 Advanced for Engrossment 1855
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 44-0-5 2057
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/16) 2090

LEGISLATIVE BILL 1212. By Vrtiska

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Business and Labor 466
Jan. 25 Notice of hearing (2/5) 609
Feb. 6 Placed on General File 721
Mar. 28 Advanced for Review 1622
Apr. 1 Placed on Select File 1685
Apr. 1 Coordsen AM4289 printed 1747
Apr. 2 Coordsen pending AM4289 p. 1747

adopted. Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870
Apr. 3 ER9169 change 1874
Apr. 4 Hilgert AM4367 (on file), Preister AM4386 (on file), Will AM4369 (on file) printed 1902
Apr. 4 Wesely AM4368 (on file) printed 1906
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1167 amended into LB 1212 by AM4289)

LEGISLATIVE BILL 1213. By Pirsch, Brown, Hudkins, Robak, Schimek, Witek

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 466
Jan. 24 Notice of hearing (1/31) 580
Feb. 13 Placed on General File 766
Mar. 27 Advanced for Review 1593
Mar. 28 Placed on Select File 1664
Apr. 1 Pirsch AM4228 printed 1705
Apr. 1 Brashear AM4248 printed separate 1716
Apr. 2 Pirsch pending AM4228 p. 1705 and Brashear pending AM4248 p. 1716 adopted. Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 3 ER9167 change 1874
Apr. 10 Final Reading 41-0-8 1985
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 1232 amended into LB 1213 by AM4248)

LEGISLATIVE BILL 1213A. By Pirsch

Mar. 4 Read first time. Placed on General File 1012
Mar. 27 Advanced for Review 1593
Mar. 28 Placed on Select File 1664
Apr. 2 Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading 41-0-8 1986
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1214. By Hartnett

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Education 466
Jan. 22 Notice of hearing (2/5) 543

Feb. 29 Placed on General File 980
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1215. By Hartnett

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Education 466
Jan. 22 Notice of hearing (2/5) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1216. By Hartnett

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 466
Jan. 26 Notice of hearing (2/6) 629
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1217. By Warner, Wehrbein

Jan. 16 Read first time 417
Jan. 18 Referred to Committee on Revenue 466
Jan. 26 Notice of hearing (2/2) 629
Feb. 13 Placed on General File - Com AM3112 780
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1217 amended into LB 1290 by AM4398)

LEGISLATIVE BILL 1218. By Kristensen, Avery, at the request of the Governor

Jan. 16 Read first time 418
Jan. 18 Referred to Committee on Transportation. Avery priority bill 466
Jan. 18 Notice of hearing (1/30) 480
Feb. 20 Placed on General File - Com AM3180 ..... 829 (printed separate)
Feb. 22 Committee AM3180 adopted. Advanced for Review 883
Feb. 29 Placed on Select File - AM7214 (printed separate) 979
Mar. 11 AM7214 (E & R) adopted. Advanced for Engrossment 1170
Mar. 20 Correctly Engrossed 1369
Mar. 20 ER9143 change 1374
Apr. 1 Final Reading w/E 42-1-6 1682
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 4 Approved by Governor (4/3) 1891
(Provisions/portions of LB 1288 amended into LB 1218 by AM3180)

LEGISLATIVE BILL 1218A. By Kristensen

Mar. 7 Read first time. Placed on General File 1107
Mar. 12 Advanced for Review 1194
Mar. 14 Placed on Select File - AM7237 1246
Mar. 19 Kristensen AM3793 printed 1322
Mar. 20 AM7237 (E & R) adopted. Kristensen pending AM3793 p. 1322 adopted. Advanced for Engrossment 1328
Mar. 21 Correctly Engrossed. ER9144 change 1411
Apr. 1 Final Reading w/E 43-0-6 1683
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 4 Approved by Governor (4/3) 1891

LEGISLATIVE BILL 1219. By Pedersen

Jan. 16 Read first time 418
Jan. 18 Referred to Committee on Judiciary 466
Jan. 19 Notice of hearing (1/26) 535
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1220. By Pedersen

Jan. 16 Read first time 418
Jan. 18 Referred to Committee on Judiciary 466
Jan. 25 Notice of hearing (2/1) 618
Feb. 6 Indefinitely postponed 722

LEGISLATIVE BILL 1221. By Schimek, Bohlke

Jan. 16 Read first time 418
Jan. 18 Referred to Committee on Judiciary 466
Jan. 31 Notice of hearing (2/7) 665
Feb. 28 Indefinitely postponed 971
(Provisions/portions of LB 1221 amended into LB 972 by AM3507)

LEGISLATIVE BILL 1222. By Cudaback, Schellpeper

Jan. 16 Read first time 418
Jan. 18 Referred to Committee on Appropriations 466
Jan. 23 Notice of hearing (1/31) 554
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1223. By Jones

Jan. 16 Read first time 419
Jan. 18 Referred to Committee on Government,

Military and Veterans Affairs 466
Jan. 31 Notice of hearing (2/7) 665
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 1224. By Elmer

Jan. 16 Read first time 419
Jan. 18 Referred to Committee on Natural Resources 466
Jan. 24 Notice of hearing (1/31) 581
Feb. 27 Indefinitely postponed 930

LEGISLATIVE BILL 1225. By Withem

Jan. 16 Read first time 419
Jan. 18 Referred to Committee on Government, Military and Veterans Affairs 466
Jan. 25 Notice of hearing (2/1) 609
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1226. By Bromm, Beutler, Bohlke, Cudaback, Elmer, Hillman, Janssen, Jones, Preister, Vrtiska

Jan. 16 Read first time 428
Jan. 16 Bromm priority bill 430
Jan. 16 Brown and McKenzie names added 431
Jan. 18 Referred to Committee on Natural Resources 466
Jan. 18 Notice of hearing (1/25) 521
Jan. 24 Warner-Withem-Bromm-Wehrbein-Coordsen-Hillman AM2874 printed 590
Mar. 14 Placed on General File - Com AM3516 ..... 1266 (printed separate)
Mar. 28 Committee AM3516 adopted as amended by Bromm AM4186. Advanced for Review 1647
Apr. 1 Placed on Select File - AM7291 1711
Apr. 2 Beutler AM4262 printed 1808
Apr. 4 AM7291 (E & R) adopted. Beutler pending AM4262 p. 1808 withdrawn. Advanced for Engrossment 1894
Apr. 9 Correctly Engrossed 1911
Apr. 9 ER9185 change 1912
Apr. 11 Final Reading w/E 44-0-5 2060
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 1382 amended into LB 1226 by AM3516)

LEGISLATIVE BILL 1226A. By Bromm, Beutler

Apr.	1	Read first time. Placed on General File	1689
Apr.	2	Advanced for Review	1760
Apr.	2	Placed on Select File	1789
Apr.	3	Bromm AM4338 printed	1858
Apr.	4	Bromm pending AM4338 p. 1858 adopted. Advanced for Engrossment	1895
Apr.	9	Correctly Engrossed	1911
Apr.	9	ER9178 change	1913
Apr.	11	Final Reading w/E 42-0-7	2061
Apr.	11	Speaker signed	2067
Apr.	11	Presented to Governor (4/11)	2078
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1227. By Vrtiska, Hudkins, Lindsay, Schmitt

Jan.	16	Read first time	429
Jan.	18	Referred to Committee on Judiciary	466
Jan.	19	Notice of hearing (1/26)	535
Mar.	7	Hudkins name withdrawn	1128
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1228. By Hudkins, Engel, Pirsch

Jan.	16	Read first time	429
Jan.	18	Referred to Committee on Judiciary	466
Jan.	19	Notice of hearing (1/26)	535
Mar.	7	Placed on General File - Com AM3389	1104
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1229. By Klein

Jan.	16	Read first time	429
Jan.	18	Referred to Committee on Transportation	466
Jan.	26	Notice of hearing (2/12)	628
Feb.	20	Placed on General File	827
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1230. By Vrtiska

Jan.	16	Read first time	429
Jan.	18	Referred to Committee on Business and Labor	466
Jan.	25	Notice of hearing (2/12)	609
Feb.	13	Placed on General File	784
Feb.	21	Business and Labor Committee priority bill	853
Mar.	4	Will AM3435 printed	1021
Mar.	13	Will pending AM3435 p. 1021 ruled not germane. Advanced for Review	1240
Mar.	19	Placed on Select File	1286
Apr.	3	Advanced for Engrossment	1855

Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 41-0-8 2062
Apr. 11 Speaker signed 2067
Apr. 11 Presented to Governor (4/11) 2078
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1231. By Bromm

Jan. 16 Read first time 429
Jan. 18 Referred to Committee on Urban Affairs 466
Feb. 1 Notice of hearing (2/27) 670
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1232. By Brashear, Pedersen

Jan. 16 Read first time 429
Jan. 18 Referred to Committee on Judiciary 466
Jan. 19 Notice of hearing (1/26) 535
Feb. 22 Placed on General File - Com AM2961 880
Mar. 27 Brashear AM3987 to committee AM2961 printed 1605
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1232 amended into LB 1213 by AM4248)

LEGISLATIVE BILL 1233. By Landis

Jan. 16 Read first time 429
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 466
Jan. 26 Notice of hearing (2/5) 629
Feb. 6 Placed on General File 721
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1234. By Wesely

Jan. 16 Read first time 430
Jan. 18 Referred to Committee on Education 466
Jan. 22 Notice of hearing (2/13) 543
Mar. 5 Indefinitely postponed 1053

LEGISLATIVE BILL 1235. By Wesely

Jan. 16 Read first time 430
Jan. 18 Referred to Committee on Health and Human Services 466
Jan. 25 Notice of hearing (2/21) 625
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1236. By Crosby, Klein, Lynch, Pedersen

Jan. 16 Read first time 430
Jan. 18 Referred to Committee on Health and Human Services 466
Jan. 25 Notice of hearing (2/21) 625
Feb. 6 Witek name added 722
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1237. By Lynch

Jan. 17 Read first time 445
Jan. 19 Referred to Committee on Urban Affairs 523
Feb. 1 Notice of hearing (2/13) 670
Mar. 7 Indefinitely postponed 1091
(Provisions/portions of LB 1237 amended into LB 1211 by AM3209)

LEGISLATIVE BILL 1238. By Lynch

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on Urban Affairs 523
Feb. 1 Notice of hearing (2/13) 670
Feb. 15 Indefinitely postponed 813

LEGISLATIVE BILL 1239. By Lynch

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on General Affairs 523
Feb. 15 Notice of hearing (2/26) 816
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1240. By Withem, Avery, Brashear

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on General Affairs 523
Jan. 25 Notice of hearing (2/12) 618
Feb. 21 Placed on General File 854
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1241. By Beutler

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on Natural Resources 523
Jan. 19 Notice of hearing (1/26) 530
Feb. 27 Placed on General File - Com AM2989 929
Mar. 27 Committee AM2989 adopted. Advanced for Review ... 1595
Apr. 1 Placed on Select File 1673
Apr. 2 Beutler AM4293 adopted. Advanced for Engrossment 1758
Apr. 3 Correctly Engrossed 1870
Apr. 3 ER9168 change 1874
Apr. 10 Final Reading 40-0-9 1987

Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 1293 amended into LB 1241 by AM4293)
(Provisions/portions of LB 1352 amended into LB 1241 by AM4293)

LEGISLATIVE BILL 1242. By Beutler

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on Judiciary 523
Feb. 14 Notice of hearing (2/21) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1243. By Beutler

Jan. 17 Read first time 446
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 523
Feb. 7 Notice of hearing (2/15) 725
Feb. 23 Beutler motion to place on General File laid over 904
Feb. 26 Indefinitely postponed 909
Mar. 6 Beutler pending motion p. 904 withdrawn 1065

LEGISLATIVE BILL 1244. By Beutler

Jan. 17 Read first time 447
Jan. 19 Referred to Committee on Judiciary 524
Jan. 25 Notice of hearing (2/2) 618
Feb. 21 Judiciary Committee priority bill 866
Feb. 28 Placed on General File 971
Mar. 7 Hudkins-Stuhr-Robak AM3569 and AM3570 printed 1107
Mar. 7 Hudkins-Stuhr-Robak AM3571 printed 1109
Mar. 7 Hudkins-Stuhr-Robak AM3568 printed 1112
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1244A. By Beutler

Mar. 27 Read first time. Placed on General File 1599
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1245. By Beutler

Jan. 17 Read first time 447
Jan. 19 Referred to Committee on Revenue 524
Jan. 19 Notice of hearing (1/26) 530
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1246. By Maurstad

Jan. 17 Read first time 447
Jan. 19 Referred to Committee on Revenue 524
Jan. 19 Notice of hearing (1/26) 530
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1247. By Schimek

Jan. 17 Read first time 447
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 524
Jan. 31 Notice of hearing (2/7) 665
Feb. 15 Indefinitely postponed 808

LEGISLATIVE BILL 1248. By Vrtiska, Beutler, Robinson

Jan. 17 Read first time 447
Jan. 18 Vrtiska priority bill 466
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 524
Jan. 25 Notice of hearing (2/1) 609
Feb. 20 Placed on General File - Com AM3114 843
Feb. 22 Vrtiska AM3270 to committee AM3114 printed 868
Feb. 23 Vrtiska pending AM3270 p. 868 to committee AM3114 adopted. Pending 901
Feb. 23 Chambers FA457 lost. Beutler FA458 to committee AM3114 adopted. Pending 902
Feb. 23 Chambers FA459 and FA460 printed 904
Feb. 26 Committee AM3114 adopted as amended by Vrtiska FA461, and Chambers pending FA459 and FA460 p. 904. Advanced for Review 907
Feb. 29 Placed on Select File - AM7215 984
Mar. 11 Vrtiska AM3726 to AM7215 printed 1172
Mar. 12 AM7215 (E & R) adopted. Vrtiska pending AM3726 p. 1172 and FA533 withdrawn. Vrtiska AM3739 to AM7215 pending 1175
Mar. 12 Vrtiska pending AM3739 p. 1175 adopted. Advanced for Engrossment 1179
Mar. 25 Vrtiska AM4107 printed 1508
Apr. 2 Attorney General's Opinion #96026 to Wehrbein 1766
Apr. 3 Returned to Select File for Vrtiska amendment. Vrtiska pending AM4107 p. 1508 adopted. Advanced for Engrossment 1828
Apr. 4 Correctly Engrossed 1900
Apr. 10 Final Reading w/E 44-2-3 1999
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1248A. By Vrtiska

Mar.	4	Read first time. Placed on General File	1006
Mar.	12	Advanced for Review	1195
Mar.	14	Placed on Select File	1246
Mar.	20	Advanced for Engrossment	1329
Apr.	4	Correctly Engrossed	1900
Apr.	10	Final Reading w/E 42-1-6	2000
Apr.	10	Speaker signed	2010
Apr.	10	Presented to Governor (4/10)	2012
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1249. By Janssen, Hudkins, Robinson

Jan.	17	Read first time	447
Jan.	19	Referred to Committee on Judiciary	524
Jan.	25	Notice of hearing (2/2)	618
Feb.	6	Placed on General File - Com AM3037	721
Mar.	7	Hudkins name withdrawn	1128
Mar.	21	Lindsay-Janssen AM3941 to committee AM3037 printed	1399
Mar.	28	Committee AM3037 adopted as amended by Lindsay-Janssen pending AM3941 p. 1399. Advanced for Review	1623
Apr.	1	Placed on Select File - AM7281	1685
Apr.	2	AM7281 (E & R) adopted. Advanced for Engrossment	1759
Apr.	3	Correctly Engrossed	1870
Apr.	10	Final Reading 40-0-9	1987
Apr.	10	Speaker signed	2010
Apr.	10	Presented to Governor (4/10)	2012
Apr.	18	Approved by Governor (4/12)	2083

LEGISLATIVE BILL 1250. By Will, at the request of the Governor

Jan.	17	Read first time	448
Jan.	19	Referred to Committee on Revenue	524
Jan.	19	Notice of hearing (1/26)	530
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1251. By Wickersham, Withem

Jan.	17	Read first time	448
Jan.	19	Referred to Committee on Nebraska Retirement Systems	524
Jan.	30	Notice of hearing (2/15)	649
Mar.	28	Placed on General File	1655
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1252. By Maurstad, Wehrbein

Jan. 17 Read first time 448
Jan. 19 Referred to Committee on Banking, Commerce and Insurance 524
Jan. 23 Notice of hearing (1/30) 556
Jan. 31 Placed on General File 667
Mar. 6 Advanced for Review 1060
Mar. 11 Placed on Select File - AM7226 1142
Mar. 14 AM7226 (E & R) adopted. Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Apr. 1 Final Reading 34-0-15 1676
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 1 Schmitt explanation of vote 1705
Apr. 4 Approved by Governor (4/3) 1891

LEGISLATIVE BILL 1253. By Hartnett, Avery, Withem

Jan. 17 Read first time 448
Jan. 19 Referred to Committee on Revenue 524
Feb. 1 Notice of hearing (2/8) 681
Feb. 26 Placed on General File 919
Mar. 5 Preister name added 1058
Mar. 20 Lynch name added 1352
Mar. 22 Lindsay name added 1469
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1254. By Pirsch

Jan. 17 Read first time 448
Jan. 19 Referred to Committee on Education 524
Jan. 22 Notice of hearing (2/27) 544
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 1255. By General Affairs Committee

Jan. 17 Read first time 448
Jan. 19 Referred to Committee on General Affairs 524
Jan. 31 Notice of hearing (2/13) 664
Feb. 21 General Affairs Committee priority bill 852
Feb. 21 Placed on General File - Com AM3252 855
Mar. 13 Attorney General's Opinion #96022 to Schellpeper 1214
Mar. 14 Schellpeper AM3805 to committee AM3252 printed 1271
Mar. 27 Schellpeper AM4164 to committee AM3252

printed 1606
Mar. 28 Committee AM3252 adopted as amended by Schellpeper pending AM4164 p. 1606. Schellpeper pending AM3805 p. 1271 withdrawn. Advanced for Review 1665
Apr. 1 Placed on Select File - AM7289 1715
Apr. 3 AM7289 (E & R) adopted. Advanced for Engrossment 1855
Apr. 3 Hilgert-Will-Preister AM4242 printed 1867
Apr. 9 Correctly Engrossed 1911
Apr. 9 Hilgert motion to return to Select File for AM4242 withdrawn 1948
Apr. 11 Final Reading w/E 36-3-10 2063
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1256. By Robak

Jan. 17 Read first time 449
Jan. 19 Referred to Committee on Nebraska Retirement Systems 524
Jan. 30 Notice of hearing (2/15) 649
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1257. By Robak

Jan. 17 Read first time 449
Jan. 19 Referred to Committee on Health and Human Services 524
Jan. 25 Notice of hearing (2/8) 625
Feb. 28 Placed on General File - Com AM3325 969
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1257 amended into LB 1155 by AM3673)

LEGISLATIVE BILL 1258. By Hilgert, Lindsay

Jan. 17 Read first time 449
Jan. 19 Referred to Committee on Banking, Commerce and Insurance 524
Jan. 26 Notice of hearing (2/5) 629
Feb. 6 Placed on General File - Com AM3055 721
Mar. 21 Committee AM3055 adopted. Advanced for Review ... 1393
Mar. 25 Placed on Select File 1480
Mar. 26 Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1705
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1258 amended into LB 681 by AM2998)

LEGISLATIVE BILL 1259. By Chambers

Jan. 17 Read first time 449
Jan. 19 Referred to Committee on Judiciary 524
Feb. 14 Notice of hearing (2/28) 796
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1260. By Chambers

Jan. 17 Read first time 449
Jan. 19 Referred to Committee on Judiciary 524
Feb. 14 Notice of hearing (2/28) 796
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1261. By Warner

Jan. 17 Read first time 450
Jan. 19 Referred to Committee on Revenue 524
Feb. 6 Notice of hearing (2/15) 722
Apr. 11 Placed on General File - Com AM4456 2059
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1262. By Warner

Jan. 17 Read first time 450
Jan. 19 Referred to Committee on Revenue 524
Feb. 6 Notice of hearing (2/15) 722
Mar. 12 Placed on General File - Com AM3655 1199
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1263. By Brashear, Robinson

Jan. 17 Read first time 450
Jan. 19 Referred to Committee on Government, Military and Veterans Affairs 524
Feb. 7 Notice of hearing (2/15) 725
Feb. 21 Government, Military and Veterans Affairs Committee priority bill 853
Feb. 28 Placed on General File - Com AM3298 970
Mar. 6 Brashear AM3592 printed 1082
Mar. 13 Committee AM3298 adopted. Brashear pending AM3592 p. 1082 adopted. Advanced for Review 1241
Mar. 14 Bernard-Stevens AM3816 printed 1273
Mar. 14 Withem AM3813 printed 1278
Mar. 19 Placed on Select File - AM7242 1286
Apr. 4 Withem AM4025 printed 1902
Apr. 9 AM7242 (E & R) adopted. Bernard-Stevens pending AM3816 p. 1273, Withem pending

AM3813 p. 1278, and AM4025 p. 1902 withdrawn. Brashear AM4423 adopted. Advanced for Engrossment 1937
Apr. 9 Correctly Engrossed 1951
Apr. 11 Final Reading w/E 41-2-6 2064
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1264. By Brashear, Withem

Jan. 17 Read first time 450
Jan. 19 Referred to Committee on Transportation 524
Jan. 26 Notice of hearing (2/5) 628
Feb. 20 Placed on General File - Com AM3179 829
Feb. 21 Wehrbein priority bill 866
Feb. 23 Wehrbein name added 905
Mar. 28 Committee AM3179 adopted. Chambers FA597 adopted. Chambers FA598 withdrawn. Advanced for Review 1649
Mar. 28 Chambers FA599 printed 1652
Apr. 1 Chambers FA602 printed 1700
Apr. 1 Chambers FA603 printed 1705
Apr. 1 Bernard-Stevens AM4219 to AM7282 printed 1707
Apr. 1 Placed on Select File - AM7282 1713
Apr. 3 Brashear AM4365 to AM7282 printed 1847
Apr. 3 Brashear motion to suspend rules and vote on Final Reading without amendment or motion laid over 1847
Apr. 4 Bernard-Stevens AM4397 to AM7282 printed 1890
Apr. 4 AM7282 (E & R) adopted. Chambers reoffered FA598 p. 1650, pending FA603 p. 1705, and Brashear pending AM4365 p. 1847 withdrawn. Chambers FA599 p. 1652 lost. Chambers pending FA602 p. 1700 adopted. Bernard-Stevens request to substitute amendment prevailed. Bernard-Stevens pending AM4219 p. 1707 withdrawn. Bernard-Stevens substitute FA620 lost. Brashear pending motion p. 1847 withdrawn. Bernard-Stevens-Beutler FA622 adopted. Avery FA623 lost. Advanced for Engrossment 1895
Apr. 9 Correctly Engrossed 1911
Apr. 9 ER9180 change 1913
Apr. 11 Final Reading 39-4-6 2065
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1264A. By Brashear

Mar.	5	Read first time. Placed on General File	1028
Mar.	28	Advanced for Review	1651
Apr.	1	Placed on Select File	1714
Apr.	4	Advanced for Engrossment	1899
Apr.	9	Correctly Engrossed	1911
Apr.	11	Final Reading 40-1-8	2065
Apr.	11	Speaker signed	2078
Apr.	18	Presented to Governor (4/11)	2081
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1265. By Brashear

Jan.	17	Read first time	450
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	524
Jan.	22	Rereferred to Committee on Appropriations	537
Jan.	23	Notice of hearing (2/13)	554
Feb.	14	Placed on General File	797
Mar.	20	Advanced for Review	1380
Mar.	22	Placed on Select File - AM7251	1469
Mar.	27	AM7251 (E & R) adopted. Advanced for Engrossment	1598
Mar.	27	Correctly Engrossed	1617
Apr.	9	Final Reading w/E 44-0-5	1964
Apr.	9	President signed	1978
Apr.	10	Presented to Governor (4/9)	2008
Apr.	18	Approved by Governor (4/12)	2083

LEGISLATIVE BILL 1266. By Wesely

Jan.	17	Read first time	450
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	524
Feb.	7	Notice of hearing (2/21)	725
Feb.	28	Indefinitely postponed	970

LEGISLATIVE BILL 1267. By Witek, Pirsch

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	524
Jan.	26	Notice of hearing (2/12)	629
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1268. By Lindsay

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	524
Jan.	26	Notice of hearing (2/6)	629
Feb.	7	Placed on General File	738
Mar.	5	Lindsay AM3256 printed	1040
Mar.	28	Lindsay pending AM3256 p. 1040 adopted. Advanced for Review	1623
Apr.	1	Placed on Select File - AM7280	1685
Apr.	2	AM7280 (E & R) adopted. Advanced for Engrossment	1759
Apr.	3	Correctly Engrossed	1870
Apr.	10	Final Reading 40-0-9	1988
Apr.	10	Speaker signed	2010
Apr.	10	Presented to Governor (4/10)	2012
Apr.	18	Approved by Governor (4/12)	2083

LEGISLATIVE BILL 1269. By Lindsay

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Judiciary	524
Jan.	31	Notice of hearing (2/7)	665
Feb.	12	Placed on General File	762
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1270. By Lindsay

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Revenue	524
Jan.	24	Notice of hearing (1/31)	581
Feb.	12	Indefinitely postponed	762

LEGISLATIVE BILL 1271. By Lindsay

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Judiciary	524
Jan.	31	Notice of hearing (2/7)	665
Feb.	21	Placed on General File - Com AM3224	859
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1272. By Lindsay

Jan.	17	Read first time	451
Jan.	19	Referred to Committee on Judiciary	524
Feb.	14	Notice of hearing (2/21)	795
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1273. By Nebraska Retirement Systems Committee

Jan. 17 Read first time 451
Jan. 19 Referred to Committee on Nebraska Retirement Systems 524
Jan. 23 Notice of hearing (1/31) 556
Feb. 7 Placed on General File 739
Mar. 12 Wickersham AM3709 printed 1208
Mar. 19 Chambers FA562 printed 1316
Mar. 20 Witek FA564 to FA562 printed 1333
Mar. 21 Wickersham pending AM3709 p. 1208 adopted. Chambers pending FA562 p. 1316 and Witek pending FA564 p. 1333 withdrawn. Advanced for Review 1394
Mar. 25 Placed on Select File - AM7260 1481
Mar. 26 AM7260 (E & R) adopted. Advanced for Engrossment 1519
Apr. 1 Correctly Engrossed 1725
Apr. 1 ER9162 change 1727
Apr. 9 Final Reading 44-0-5 1969
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1273A. By Wickersham

Mar. 12 Read first time. Placed on General File 1205
Mar. 21 Advanced for Review 1394
Mar. 25 Placed on Select File 1481
Mar. 26 Advanced for Engrossment 1519
Apr. 1 Correctly Engrossed 1725
Apr. 9 Final Reading 45-0-4 1969
Apr. 9 President signed 1978
Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1274. By Landis

Jan. 17 Read first time 452
Jan. 19 Referred to Committee on Banking, Commerce and Insurance 524
Jan. 26 Notice of hearing (2/5) 629
Feb. 6 Placed on General File 721
Mar. 26 Landis AM3235 printed separate 1561
Mar. 28 Landis pending AM3235 p. 1561 adopted. Advanced for Review 1622
Apr. 1 Placed on Select File - AM7290 1684
Apr. 2 AM7290 (E & R) adopted. Advanced for Engrossment 1759
Apr. 3 Correctly Engrossed 1870

Apr. 10 Final Reading 39-0-10 1989
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1275. By Landis

Jan. 17 Read first time 452
Jan. 19 Referred to Committee on Banking, Commerce and Insurance 524
Jan. 23 Notice of hearing (1/30) 556
Jan. 31 Placed on General File 667
Feb. 26 Landis AM3295 printed 909
Mar. 6 Landis pending AM3295 p. 909 adopted. Advanced for Review 1061
Mar. 11 Placed on Select File - AM7227 1142
Mar. 14 AM7227 (E & R) adopted. Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed. ER9142 change 1384
Apr. 1 Final Reading w/E 36-0-13 1676
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 1 Schmitt explanation of vote 1705
Apr. 4 Approved by Governor (4/3) 1891
(Provisions/portions of LB 615 amended into LB 1275 by AM3295)

LEGISLATIVE BILL 1276. By Maurstad, Brown

Jan. 17 Read first time 452
Jan. 19 Referred to Committee on General Affairs 524
Jan. 25 Notice of hearing (2/5) 618
Feb. 7 Placed on General File 738
Mar. 11 Attorney General's Opinion #96018 to Maurstad 1149
Mar. 21 Advanced for Review 1394
Mar. 25 Placed on Select File 1481
Mar. 25 Maurstad AM4110 printed 1508
Mar. 25 Maurstad-Robinson AM4118 printed 1514
Mar. 26 Maurstad pending AM4110 p. 1508 and Beutler-Maurstad FA581 adopted. Maurstad-Robinson pending AM4118 p. 1514 withdrawn. Advanced for Engrossment 1518
Apr. 1 Correctly Engrossed 1725
Apr. 1 ER9152 change 1727
Apr. 4 Final Reading 44-0-5 1885
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920

LEGISLATIVE BILL 1277. By Will

Jan. 17 Read first time 455
Jan. 19 Referred to Committee on General Affairs 524
Jan. 31 Notice of hearing (2/13) 664
Feb. 21 Placed on General File 854
Mar. 12 Fisher AM3741 printed 1185
Mar. 27 Fisher pending AM3741 p. 1185 adopted.
Advanced for Review 1594
Apr. 1 Placed on Select File - AM7275 1673
Apr. 1 Hartnett-Schellpeper AM4165 printed 1689
Apr. 2 AM7275 (E & R) adopted. Hartnett-Schellpeper pending AM4165 p. 1689 withdrawn.
Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 3 ER9171 change 1875
Apr. 10 Final Reading 39-0-10 1990
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083
(Provisions/portions of LB 328 amended into LB 1277 by AM3741)

LEGISLATIVE BILL 1278. By Matzke, Engel, Schellpeper

Jan. 17 Read first time 455
Jan. 19 Referred to Committee on Health and Human Services 524
Jan. 25 Notice of hearing (2/14) 625
Feb. 23 Placed on General File - Com AM3141 893
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1278 amended into LB 1108 by AM3361)

LEGISLATIVE BILL 1279. By Brown, Klein, Maurstad

Jan. 17 Read first time 456
Jan. 19 Referred to Committee on Education 524
Jan. 22 Notice of hearing (2/27) 544
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1280. By Hilgert, Lindsay

Jan. 17 Read first time 456
Jan. 19 Referred to Committee on Judiciary 524
Jan. 31 Notice of hearing (2/7) 665
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1281. By Will

Jan. 17 Read first time 456
Jan. 19 Referred to Committee on General Affairs 524

Jan. 31 Notice of hearing (2/13) 664
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1282. By Abboud

Jan. 17 Read first time 456
Jan. 19 Referred to Committee on Judiciary 524
Jan. 24 Notice of hearing (1/31) 596
Feb. 6 Placed on General File - Com AM2982 721
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1283. By Abboud

Jan. 17 Read first time 456
Jan. 19 Referred to Committee on Judiciary 524
Feb. 7 Notice of hearing (2/14) 740
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1284. By Bohlke, Bromm, McKenzie

Jan. 17 Read first time 457
Jan. 19 Referred to Committee on Revenue 524
Jan. 19 Notice of hearing (1/26) 530
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1285. By Pedersen

Jan. 18 Read first time 469
Jan. 22 Referred to Committee on Judiciary 537
Feb. 7 Notice of hearing (2/14) 740
Feb. 15 Indefinitely postponed 816

LEGISLATIVE BILL 1286. By Stuhr, Hudkins, Matzke, Robak, Wickersham

Jan. 18 Read first time 469
Jan. 22 Referred to Committee on Judiciary 537
Jan. 25 Notice of hearing (2/2) 618
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1287. By Avery, Pirsch, Schmitt, Witek

Jan. 18 Read first time 469
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 537
Feb. 7 Notice of hearing (2/21) 725
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1288. By Avery

Jan. 18 Read first time 469
Jan. 22 Referred to Committee on Transportation 538
Jan. 26 Notice of hearing (2/12) 628
Feb. 20 Indefinitely postponed 830
(Provisions/portions of LB 1288 amended into LB 1218 by AM3180)

LEGISLATIVE BILL 1289. By Avery

Jan. 18 Read first time 469
Jan. 22 Referred to Committee on Revenue 538
Feb. 1 Notice of hearing (2/8) 681
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1290. By Warner, at the request of the Governor

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Revenue 538
Feb. 1 Notice of hearing (2/14) 681
Feb. 26 Placed on General File 919
Mar. 20 Warner FA565 adopted. Advanced for Review 1385
Mar. 21 Warner AM4020 printed 1433
Mar. 22 Placed on Select File - AM7250 1470
Apr. 3 Wehrbein AM4302 printed 1844
Apr. 4 Warner AM4398 printed 1904
Apr. 9 AM7250 (E & R) adopted. Warner pending AM4020 p. 1433 and Wehrbein pending AM4302 p. 1844 withdrawn. Withem AM4379 and Warner pending AM4398 p. 1904 adopted. Advanced for Engrossment 1938
Apr. 9 Correctly Engrossed 1976
Apr. 9 ER9189 change 1977
Apr. 11 Final Reading w/E 43-0-6 2066
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 1217 amended into LB 1290 by AM4398)

LEGISLATIVE BILL 1291. By Pedersen

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Transportation 538
Jan. 26 Notice of hearing (2/5) 628
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1292. By Beutler

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Natural Resources 538
Feb. 7 Notice of hearing (2/15) 739
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1293. By Beutler

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Natural Resources 538
Jan. 24 Notice of hearing (2/2) 581
Feb. 27 Placed on General File 929
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1293 amended into LB 1241 by AM4293)

LEGISLATIVE BILL 1294. By Beutler

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Revenue 538
Feb. 6 Notice of hearing (2/28) 722
Mar. 4 Indefinitely postponed 1012

LEGISLATIVE BILL 1295. By Beutler

Jan. 18 Read first time 470
Jan. 22 Referred to Committee on Education 538
Jan. 22 Notice of hearing (2/6) 543
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1296. By Beutler

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on Judiciary 538
Jan. 25 Notice of hearing (2/2) 618
Feb. 6 Placed on General File 721
Mar. 19 Wickersham AM3817 printed 1316
Mar. 21 Wickersham pending AM3817 p. 1316 withdrawn. Advanced for Review 1393
Mar. 25 Placed on Select File - AM7261 1480
Apr. 1 Wickersham-Beutler-Kristensen AM4271 printed 1736
Apr. 2 AM7261 (E & R) adopted. Wickersham et al pending AM4271 p. 1736 adopted. Advanced for Engrossment 1756
Apr. 3 Correctly Engrossed 1870
Apr. 3 ER9166 change 1877
Apr. 9 Returned to Select File for Lindsay et al amendment. Lindsay-Bromm-Wickersham-Brown-Matzke AM4413 adopted.

Advanced for Reengrossment 1948
Apr. 9 Correctly Reengrossed 1976
Apr. 9 ER9192 change 1978
Apr. 11 Beutler motion to return to Select File for FA647 and Abboud motion to return to Select File for FA648 withdrawn 2067
Apr. 11 Final Reading 39-1-9 2068
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1297. By Schellpeper

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on General Affairs 538
Feb. 15 Notice of hearing (2/26) 816
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1298. By Vrtiska

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on Judiciary 538
Feb. 7 Notice of hearing (2/14) 740
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1299. By Bohlke, Withem

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on Education 538
Jan. 22 Notice of hearing (2/27) 544
Mar. 5 Placed on General File - Com AM3550 1052
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1300. By Robinson

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on Urban Affairs 538
Feb. 1 Notice of hearing (2/27) 670
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1301. By Bohlke

Jan. 18 Read first time 471
Jan. 22 Referred to Committee on Education 538
Jan. 22 Notice of hearing (2/6) 543
Mar. 12 Placed on General File 1184
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1302. By Bohlke, at the request of the Governor

Jan.	18	Read first time	472
Jan.	22	Referred to Committee on Education	538
Jan.	22	Notice of hearing (2/27)	544
Feb.	29	Indefinitely postponed	980

LEGISLATIVE BILL 1303. By Robinson

Jan.	18	Read first time	472
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	538
Jan.	25	Notice of hearing (2/2)	609
Feb.	15	Indefinitely postponed	808

(Provisions/portions of LB 1303 amended into LB 1085 by AM3649)

LEGISLATIVE BILL 1304. By Lynch

Jan.	18	Read first time	472
Jan.	22	Referred to Committee on Urban Affairs	538
Feb.	1	Notice of hearing (2/13)	670
Feb.	15	Placed on General File - Com AM3208	812
Mar.	12	Lynch AM3748 printed	1211
Mar.	20	Robinson AM3906 printed	1333
Mar.	21	Committee AM3208 adopted as amended by Lynch FA566 and pending AM3748 p. 1211. Advanced for Review	1394
Mar.	25	Placed on Select File - AM7256	1481
Mar.	26	AM7256 (E & R) adopted. Robinson pending AM3906 p. 1333 and Witek FA582 adopted. Advanced for Engrossment	1519
Apr.	1	Correctly Engrossed	1725
Apr.	1	ER9153 change	1727
Apr.	4	Final Reading 37-0-12	1885
Apr.	4	President signed	1887
Apr.	4	Presented to Governor (4/4)	1890
Apr.	9	Approved by Governor (4/9)	1920

(Provisions/portions of LB 1157 amended into LB 1304 by AM3906)

LEGISLATIVE BILL 1305. By Kristensen

Jan.	18	Read first time	472
Jan.	22	Referred to Committee on Transportation	538
Jan.	26	Notice of hearing (2/13)	629
Feb.	20	Placed on General File	827
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE BILL 1306. By Kristensen

Jan. 18 Read first time 472
Jan. 22 Referred to Committee on Transportation 538
Jan. 26 Notice of hearing (2/13) 629
Feb. 20 Placed on General File - Com AM3211 830
Mar. 25 Kristensen-Wickersham-Matzke-Hillman AM4117 printed 1511
Mar. 27 Committee AM3211 adopted. Kristensen et al pending AM4117 p. 1511 adopted. Advanced for Review 1593
Mar. 28 Placed on Select File - AM7272 1664
Apr. 2 AM7272 (E & R) adopted. Advanced for Engrossment 1757
Apr. 3 Correctly Engrossed 1870
Apr. 10 Final Reading w/E 43-0-6 1991
Apr. 10 Speaker signed 2010
Apr. 10 Presented to Governor (4/10) 2012
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1307. By Kristensen

Jan. 18 Read first time 472
Jan. 22 Referred to Committee on Transportation 538
Jan. 31 Kristensen motion to withdraw bill laid over 664
Feb. 2 Kristensen pending motion p. 664 prevailed. Withdrawn 691

LEGISLATIVE BILL 1308. By Fisher

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Transportation 538
Jan. 26 Notice of hearing (2/6) 628
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1309. By Fisher

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Transportation 538
Jan. 26 Notice of hearing (2/6) 628
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1310. By Pirsch

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Health and Human Services 538
Jan. 25 Notice of hearing (2/2) 624
Feb. 14 Placed on General File 798
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1311. By Pirsch

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Urban Affairs 538
Feb. 1 Notice of hearing (2/20) 670
Feb. 29 Placed on General File - Com AM3331 993
Mar. 5 Pirsch-Hartnett AM3504 to committee AM3331 printed 1044
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1311 amended into LB 604 by AM3999)

LEGISLATIVE BILL 1312. By Withem

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Judiciary 538
Jan. 24 Notice of hearing (1/31) 595
Feb. 8 Indefinitely postponed 751

LEGISLATIVE BILL 1313. By Robinson

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 538
Jan. 31 Notice of hearing (2/8) 665
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1314. By Elmer

Jan. 18 Read first time 473
Jan. 22 Referred to Committee on General Affairs 538
Jan. 25 Notice of hearing (2/12) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1315. By Warner, Jones

Jan. 18 Read first time 474
Jan. 22 Referred to Committee on Revenue 538
Jan. 24 Notice of hearing (1/31) 581
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1316. By Lindsay

Jan. 18 Read first time 474
Jan. 22 Referred to Committee on Judiciary 538
Jan. 24 Notice of hearing (1/31) 596
Feb. 5 Placed on General File 706
Mar. 20 Advanced for Review 1327
Mar. 25 Placed on Select File - AM7258 1480

Mar. 28 Lindsay AM4119 printed 1668
Apr. 1 Schimek AM4270 to AM4119 printed 1752
Apr. 1 Schimek AM4290 to AM4119 printed 1753
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1316A. By Lindsay

Mar. 20 Read first time. Placed on General File 1356
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1317. By Jensen, Pirsch

Jan. 18 Read first time 474
Jan. 22 Referred to Committee on Judiciary 538
Feb. 14 Notice of hearing (2/23) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1318. By Hartnett, Cudaback, Janssen, Klein, Robak, Vrtiska

Jan. 18 Read first time 474
Jan. 22 Referred to Committee on Urban Affairs 538
Jan. 22 Avery name added 549
Jan. 25 Stuhr name added 625
Feb. 1 Notice of hearing (2/20) 670
Mar. 4 Placed on General File 1013
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1319. By Hartnett

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Education 538
Jan. 22 Notice of hearing (2/5) 543
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 1320. By Hartnett

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Revenue 538
Feb. 1 Notice of hearing (2/8) 681
Feb. 27 Placed on General File - Com AM3321 928
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1320 amended into LB 1321 by AM4081)

LEGISLATIVE BILL 1321. By Hartnett

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Urban Affairs 538
Jan. 23 Notice of hearing (2/6) 554

Feb. 13 Placed on General File - Com AM3142 775
Mar. 21 Committee AM3142 adopted. Advanced for Review ... 1394
Mar. 25 Placed on Select File 1481
Mar. 25 Hartnett AM4081 printed 1496
Mar. 25 Hartnett AM4082 printed 1497
Mar. 26 Hartnett pending AM4081 p. 1496 and AM4082 p. 1497 adopted. Advanced for Engrossment 1519
Apr. 1 Correctly Engrossed 1725
Apr. 1 ER9156 change 1727
Apr. 4 Final Reading 42-0-7 1886
Apr. 4 President signed 1887
Apr. 4 Presented to Governor (4/4) 1890
Apr. 9 Approved by Governor (4/9) 1920
(Provisions/portions of LB 1320 amended into LB 1321 by AM4081)
(Provisions/portions of LB 1365 amended into LB 1321 by AM4082)

LEGISLATIVE BILL 1322. By Wesely

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Health and Human Services 538
Jan. 25 Notice of hearing (2/2) 624
Feb. 5 Schimek priority bill 710
Feb. 6 Schimek name added 723
Feb. 7 Placed on General File - Com AM3046 737
Feb. 28 Maurstad FA468 to committee AM3046 pending 975
Feb. 28 Withem AM3381, Maurstad FA472, FA473, and FA474 printed 977
Feb. 28 Chambers and Hillman names added 978
Feb. 29 Maurstad pending FA468 p. 976 lost. Committee AM3046 adopted as amended by Withem-Wesely AM3420. Withem pending AM3381 p. 977 withdrawn. Maurstad pending FA472 p. 977 pending 980
Mar. 4 Maurstad pending FA472 p. 977 and Wesely FA479 lost. Maurstad pending FA473 and FA474 p. 977 withdrawn. Beutler AM3453 lost as amended by Beutler FA480. Cudaback FA476, Beutler AM3454, AM3460, AM3461, and AM3455 adopted. Advanced for Review 1006
Mar. 5 Maurstad-Beutler FA484 printed and Landis AM3383 printed separate 1029
Mar. 6 Placed on Select File - AM7219 1077
Mar. 7 Warner AM3587 to AM7219 printed 1103
Mar. 20 Pirsch-Lynch AM3524, AM3522, and AM3523 to AM7219 printed 1342
Mar. 21 Robinson AM3676 to AM7219 printed 1401

Mar. 21 Beutler-Chambers AM4034 to AM7219 printed 1453
Mar. 27 AM7219 (E & R) adopted. Landis pending AM3383 p. 1029, Warner pending AM3587 p. 1103, and Beutler-Chambers pending AM4034 p. 1453 adopted. Pirsch-Lynch request to substitute amendment prevailed. Pirsch-Lynch pending AM3524 p. 1342, Pirsch-Lynch substitute AM3522 p. 1342, AM3523 p. 1342, Maurstad-Beutler pending FA484 p. 1029, and Robinson pending AM3676 p. 1401 withdrawn. Advanced for Engrossment 1610
Mar. 28 Klein name added 1621
Apr. 2 Correctly Engrossed 1784
Apr. 2 ER9159 change 1785
Apr. 11 Final Reading w/E 37-5-7 2069
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/17) 2091
(Provisions/portions of LB 1339 amended into LB 1322 by AM3383)

LEGISLATIVE BILL 1322A. By Wesely

Mar. 27 Read first time. Placed on General File 1617
Apr. 2 Advanced for Review 1760
Apr. 2 Placed on Select File 1789
Apr. 4 Advanced for Engrossment 1894
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading w/E 38-2-9 2070
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/17) 2091

LEGISLATIVE BILL 1323. By Wesely

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 538
Feb. 7 Notice of hearing (2/21) 725
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1324. By Dierks

Jan. 18 Read first time 475
Jan. 22 Referred to Committee on Revenue 538
Feb. 6 Notice of hearing (2/22) 722
Feb. 29 Indefinitely postponed 996

LEGISLATIVE BILL 1325. By Warner

Jan. 18 Read first time 482
Jan. 22 Referred to Committee on Revenue 538
Jan. 26 Notice of hearing (2/7) 630
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1326. By Schimek

Jan. 18 Read first time 482
Jan. 22 Referred to Committee on Health and Human Services 538
Jan. 25 Notice of hearing (2/14) 625
Feb. 23 Placed on General File - Com AM3201 893
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1327. By Wesely, Warner

Jan. 18 Read first time 482
Jan. 22 Referred to Committee on Revenue 538
Feb. 21 Notice of hearing (2/29) 866
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1328. By Wesely, Warner

Jan. 18 Read first time 482
Jan. 22 Referred to Committee on Revenue 538
Feb. 21 Notice of hearing (2/29) 866
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1329. By Crosby, Lynch

Jan. 18 Read first time 482
Jan. 22 Referred to Committee on Nebraska Retirement Systems 538
Jan. 23 Notice of hearing (1/31) 556
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1330. By Crosby

Jan. 18 Read first time 483
Jan. 22 Referred to Committee on Appropriations 538
Jan. 23 Notice of hearing (1/31) 554
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1331. By Chambers

Jan. 18 Read first time 483
Jan. 22 Referred to Committee on Government,

Military and Veterans Affairs 538
Feb. 7 Notice of hearing (2/15) 725
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1332. By Chambers

Jan. 18 Read first time 483
Jan. 22 Referred to Committee on Revenue 538
Feb. 6 Notice of hearing (2/15) 722
Feb. 29 Indefinitely postponed 980

LEGISLATIVE BILL 1333. By Chambers

Jan. 18 Read first time 483
Jan. 23 Referred to Committee on Judiciary 553
Jan. 31 Notice of hearing (2/7) 665
Feb. 21 Placed on General File 859
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1334. By Beutler

Jan. 18 Read first time 483
Jan. 22 Referred to Committee on General Affairs 538
Jan. 31 Notice of hearing (2/13) 664
Feb. 21 Indefinitely postponed 858

LEGISLATIVE BILL 1335. By McKenzie

Jan. 18 Read first time 483
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 538
Jan. 31 Notice of hearing (2/8) 665
Feb. 28 Placed on General File 970
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1336. By Klein, McKenzie

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on Agriculture 538
Jan. 23 Notice of hearing (1/30) 554
Feb. 1 Placed on General File 685
Mar. 7 Advanced for Review 1088
Mar. 11 McKenzie AM3399 printed 1173
Mar. 13 Placed on Select File - AM7235 1225
Mar. 14 AM7235 (E & R) adopted. Passed over 1249
Mar. 14 McKenzie pending AM3399 p. 1173 adopted. Advanced for Engrossment 1250
Mar. 20 Correctly Engrossed 1384
Mar. 20 ER9140 change 1385

Apr. 1 Final Reading 35-0-14 1677
Apr. 1 Speaker signed 1686
Apr. 1 Presented to Governor (4/1) 1701
Apr. 1 Schmitt explanation of vote 1705
Apr. 4 Approved by Governor (4/3) 1891

LEGISLATIVE BILL 1337. By Withem, Hudkins, Wesely

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on Education 538
Jan. 22 Notice of hearing (2/13) 543
Mar. 7 Hudkins name withdrawn 1128
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 1338. By Landis

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 539
Jan. 31 Notice of hearing (2/7) 665
Feb. 28 Placed on General File - Com AM3139 970
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1339. By Landis

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 539
Jan. 26 Notice of hearing (2/13) 629
Feb. 21 Placed on General File - Com AM3240 852
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1339 amended into LB 1322 by AM3383)

LEGISLATIVE BILL 1340. By Hilgert

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on General Affairs 539
Feb. 15 Notice of hearing (2/26) 816
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1341. By Hilgert, Lindsay, Preister

Jan. 18 Read first time 484
Jan. 22 Referred to Committee on Transportation 539
Jan. 26 Notice of hearing (2/5) 628
Mar. 12 Placed on General File - Com AM3385 1177
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1342. By Lynch

Jan. 18 Read first time 485
Jan. 22 Referred to Committee on Judiciary 539
Feb. 1 Notice of hearing (2/8) 683
Feb. 28 Indefinitely postponed 971

LEGISLATIVE BILL 1343. By Abboud

Jan. 18 Read first time 486
Jan. 22 Referred to Committee on Judiciary 539
Jan. 25 Notice of hearing (2/2) 618
Feb. 5 Placed on General File 706
Feb. 21 Abboud priority bill 866
Mar. 27 Abboud AM4129 printed 1605
Mar. 27 Abboud AM4184 printed 1616
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1343A. By Abboud

Mar. 6 Read first time. Placed on General File 1068
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1344. By Robak

Jan. 18 Read first time 486
Jan. 22 Referred to Committee on Health and Human Services 539
Jan. 31 Notice of hearing (2/21) 665
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1345. By Robak

Jan. 18 Read first time 486
Jan. 22 Referred to Committee on General Affairs 539
Jan. 25 Notice of hearing (2/12) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1346. By Lindsay

Jan. 18 Read first time 486
Jan. 22 Referred to Committee on Judiciary 539
Feb. 7 Notice of hearing (2/14) 740
Feb. 15 Placed on General File 815
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1347. By Schellpeper, Avery, Hudkins, Janssen, Jensen, Jones, Pirsch, Schmitt

Jan. 18 Read first time 486
Jan. 19 Elmer, Dierks, Robak, and Witek names added 535
Jan. 22 Referred to Committee on Judiciary 539
Jan. 25 Notice of hearing (2/1) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1348. By Bromm, Jensen, Pirsch

Jan. 18 Read first time 486
Jan. 22 Referred to Committee on Judiciary 539
Feb. 7 Notice of hearing (2/14) 740
Feb. 15 Indefinitely postponed 816

LEGISLATIVE BILL 1349. By Bromm, Klein

Jan. 18 Read first time 487
Jan. 22 Referred to Committee on Judiciary 539
Jan. 25 Notice of hearing (2/2) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1350. By Fisher, Hilgert, Hudkins, Lynch, Pedersen, Pirsch, Robak

Jan. 18 Read first time 487
Jan. 22 Referred to Committee on Judiciary 539
Feb. 14 Notice of hearing (2/23) 795
Mar. 7 Hudkins name withdrawn 1128
Mar. 28 Pirsch name withdrawn 1646
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1351. By Coordsen

Jan. 18 Read first time 487
Jan. 18 Maurstad name added 522
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 539
Feb. 7 Notice of hearing (2/15) 725
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1352. By Beutler

Jan. 18 Read first time 487
Jan. 22 Referred to Committee on Natural Resources 539
Jan. 24 Notice of hearing (2/2) 581
Feb. 27 Placed on General File 929
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1352 amended into LB 1241 by AM4293)

LEGISLATIVE BILL 1353. By Beutler

Jan. 18 Read first time 487
Jan. 22 Referred to Committee on Natural Resources 539
Feb. 7 Notice of hearing (2/14) 739
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1354. By Hartnett, Avery, Pedersen, Robinson, Withem

Jan. 18 Read first time 487
Jan. 22 Referred to Committee on Urban Affairs 539
Feb. 1 Notice of hearing (2/20) 670
Mar. 4 Placed on General File 1013
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1355. By Hartnett

Jan. 18 Read first time 488
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (2/6) 554
Feb. 13 Placed on General File - Com AM3107 775
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1356. By Hartnett

Jan. 18 Read first time 488
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (1/30) 554
Apr. 18 Placed on General File - Com AM3419 2101
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1357. By Withem

Jan. 18 Read first time 488
Jan. 22 Referred to Committee on Transportation 539
Jan. 24 Will name added 599
Jan. 26 Notice of hearing (2/12) 629
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1358. By Withem, Will

Jan. 18 Read first time 488
Jan. 22 Referred to Committee on Transportation 539
Jan. 26 Notice of hearing (2/12) 629
Feb. 20 Indefinitely postponed 830

LEGISLATIVE BILL 1359. By Urban Affairs Committee

Jan. 18 Read first time 488
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (2/6) 554
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1360. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (1/30) 554
Mar. 4 Indefinitely postponed 1013

LEGISLATIVE BILL 1361. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Revenue 539
Jan. 26 Notice of hearing (2/7) 630
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1362. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (2/6) 554
Feb. 12 Placed on General File - Com AM3108 758
Feb. 21 Urban Affairs Committee priority bill 852
Mar. 13 Committee AM3108 adopted. Maurstad FA543 lost. Advanced for Review 1240
Mar. 19 Placed on Select File - AM7241 1286
Mar. 19 Hartnett-Maurstad AM3915 printed separate 1324
Apr. 4 AM7241 (E & R) adopted. Hartnett-Maurstad pending AM3915 p. 1324 adopted. Advanced for Engrossment 1908
Apr. 9 Correctly Engrossed 1911
Apr. 9 ER9182 change 1913
Apr. 11 Final Reading 42-0-7 2070
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089
(Provisions/portions of LB 1363 amended into LB 1362 by AM3915)

LEGISLATIVE BILL 1363. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (1/30) 554
Jan. 31 Placed on General File 667
Mar. 6 Advanced for Review 1060
Mar. 6 Schimek name added 1068

Mar. 7 Placed on Select File 1105
Mar. 11 Maurstad AM3641 printed 1149
Mar. 14 Maurstad pending AM3641 p. 1149
withdrawn. Advanced for Engrossment 1248
Mar. 20 Correctly Engrossed 1384
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1363 amended into LB 1362 by AM3915)

LEGISLATIVE BILL 1364. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Revenue 539
Jan. 26 Notice of hearing (2/7) 630
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1365. By Urban Affairs Committee

Jan. 18 Read first time 489
Jan. 22 Referred to Committee on Urban Affairs 539
Jan. 23 Notice of hearing (2/6) 554
Feb. 12 Placed on General File 758
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1365 amended into LB 1321 by AM4082)

LEGISLATIVE BILL 1366. By Hillman

Jan. 18 Read first time 490
Jan. 22 Referred to Committee on Health and
Human Services 539
Jan. 25 Notice of hearing (2/7) 624
Feb. 23 Placed on General File - Com AM2980 896
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1366 amended into LB 1155 by AM3387)

LEGISLATIVE BILL 1366A. By Hillman

Feb. 29 Read first time. Placed on General File 982
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1367. By Brashear

Jan. 18 Read first time 490
Jan. 22 Referred to Committee on General Affairs 539
Jan. 25 Notice of hearing (2/12) 618
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1368. By Brashear, Avery, Bernard-Stevens, Bohlke, Brown, Crosby, Hartnett, Hilgert, Jensen, Klein, Lindsay,

Maurstad, Pedersen, Pirsch, Robinson, Warner, Wehrbein, Wickersham

Jan.	18	Read first time	490
Jan.	18	Jensen priority bill. Will name added	521
Jan.	19	Witek name added	535
Jan.	22	Referred to Committee on Revenue	539
Jan.	26	Notice of hearing (2/7)	630
Mar.	4	Placed on General File - Com AM3447	1012
Mar.	5	Wesely-Chambers-Schimek AM3495 printed	1054
Mar.	5	Wesely-Chambers-Schimek AM3493 printed	1055
Mar.	5	Wesely AM3464 printed	1056
Mar.	5	Wesely AM3552 printed	1057
Mar.	6	Wesely AM3555 printed separate	1082
Mar.	11	Wickersham AM3582 printed	1147
Mar.	12	Executive Board approval of Speaker major proposal	1211
Mar.	13	Wesely AM3732 printed	1229
Mar.	19	Brashear AM3904 to AM3495 printed	1312
Mar.	19	Brashear AM3903 to AM3493 printed	1313
Mar.	26	Committe AM3447 adopted. Brashear pending AM3904 p. 1312 withdrawn. Pending	1541
Mar.	26	Wesely et al pending AM3495 p. 1054 lost. Wesely et al pending AM3493 p. 1055, Wesely pending AM3464 p. 1056, and pending AM3552 p. 1057 withdrawn. Wesely request to substitute amendment prevailed. Wesely pending AM3555 p. 1082 withdrawn. Wesely substitute AM3732 p. 1229 lost. Pending	1547
Mar.	26	Wickersham pending AM3582 p. 1147 lost. Pending	1559
Mar.	26	Brashear pending AM3903 p. 1313 withdrawn. Chambers FA585 adopted. Pending	1572
Mar.	26	Chambers FA589 withdrawn. Advanced for Review	1579
Mar.	28	Expedited	1646
Mar.	28	Placed on Select File - AM7269	1663
Apr.	1	Wesely AM4276 printed	1732
Apr.	2	Withem AM4333 printed	1801
Apr.	2	Withem AM4345 printed	1802
Apr.	3	Brashear AM4361, AM4362, and AM4363 printed	1846
Apr.	3	Brashear motion to suspend rules and vote on Final Reading without amendment or motion laid over	1847
Apr.	3	Withem AM4383 printed	1856
Apr.	4	AM7269 (E & R) adopted. Withem pending AM4383 p. 1856, Brashear pending AM4361 p. 1846, and Wesely reoffered AM3555 p. 1082 withdrawn. Chambers reoffered FA589 p. 1579 adopted as amended by Brashear FA618. Wesely pending	

AM4276 p. 1732 lost. Pending 1887
Apr. 4 Withem request to substitute amendment prevailed. Withem pending AM4333 p. 1801 withdrawn. Withem substitute AM4402 adopted. Withem pending AM4345 p. 1802, Brashear pending AM4362 and AM4363 p. 1846 withdrawn. Brashear pending motion p. 1847 withdrawn. Advanced for Engrossment 1891
Apr. 9 Correctly Engrossed 1911
Apr. 9 ER9177 change 1913
Apr. 11 Chambers motion to return to Select File for FA649 withdrawn. Final Reading 39-7-3 2071
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1369. By Brashear

Jan. 18 Read first time 490
Jan. 22 Referred to Committee on Revenue 539
Jan. 24 Notice of hearing (1/31) 581
Feb. 12 Indefinitely postponed 762

LEGISLATIVE BILL 1370. By Jones

Jan. 18 Read first time 490
Jan. 22 Referred to Committee on Revenue 539
Feb. 1 Notice of hearing (2/8) 681
Feb. 27 Indefinitely postponed 929

LEGISLATIVE BILL 1371. By Bohlke, McKenzie

Jan. 18 Read first time 491
Jan. 22 Referred to Committee on Education 539
Jan. 22 Notice of hearing (2/12) 543
Feb. 15 Placed on General File - Com AM3188 808
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1372. By Bohlke, McKenzie, Robak

Jan. 18 Read first time 491
Jan. 22 Referred to Committee on Education 539
Jan. 22 Notice of hearing (2/13) 543
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE BILL 1373. By Warner, Coordsen, Hartnett, Kristensen, Landis, Schellpeper, Wesely, Wickersham, Will

Jan.	18	Read first time	491
Jan.	22	Referred to Committee on Revenue	539
Jan.	26	Notice of hearing (2/2)	629
Feb.	12	Hartnett priority bill	753
Feb.	12	Placed on General File - Com AM3113	761
Feb.	28	Committee AM3113 adopted. Advanced for Review	968
Mar.	6	Placed on Select File - AM7218	1075
Mar.	22	Warner AM4039 and AM4037 to AM7218 printed	1466
Mar.	27	AM7218 (E & R) adopted. Warner pending AM4039 and AM4037 p. 1466 adopted. Wesely AM4172 withdrawn. Advanced for Engrossment	1603
Apr.	2	Correctly Engrossed	1784
Apr.	11	Preister motion to return to Select File for FA650 withdrawn. Final Reading 49-0-0	2073
Apr.	11	Speaker signed	2078
Apr.	18	Presented to Governor (4/11)	2081
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1373A. By Warner

Mar.	20	Read first time. Placed on General File	1352
Mar.	28	Advanced for Review	1652
Apr.	1	Placed on Select File	1715
Apr.	3	Advanced for Engrossment	1855
Apr.	9	Correctly Engrossed	1911
Apr.	11	Final Reading 45-0-4	2073
Apr.	11	Speaker signed	2078
Apr.	18	Presented to Governor (4/11)	2081
Apr.	18	Approved by Governor (4/15)	2089

LEGISLATIVE BILL 1374. By Bromm, Janssen

Jan.	18	Read first time	491
Jan.	22	Referred to Committee on Revenue	539
Feb.	6	Notice of hearing (2/23)	722
Mar.	13	Indefinitely postponed	1233

LEGISLATIVE BILL 1375. By Bromm

Jan.	18	Read first time	491
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	553
Jan.	25	Notice of hearing (2/1)	609
Feb.	8	Pirsch priority bill	743
Feb.	12	Placed on General File - Com AM3078	758
Feb.	13	Pirsch, Witek, Stuhr, Cudaback, Janssen, Robinson, Schmitt, Hilgert, Chambers, Preister, and Vrtiska names added	785
Mar.	6	Chambers name withdrawn	1084

Mar. 12 Executive Board approval of Speaker major proposal 1211
Mar. 20 Bromm-Robinson AM3950 to committee AM3078 printed 1377
Mar. 26 Bromm-Robinson request to substitute amendment prevailed. Bromm-Robinson pending AM3950 p. 1377 withdrawn. Committee AM3078 adopted as amended by Bromm-Hillman substitute AM4153. Advanced for Review 1588
Mar. 28 Expedited 1646
Mar. 28 Hillman AM4207 to AM4153 printed 1652
Mar. 28 Placed on Select File - AM7270 1664
Apr. 2 Bromm AM4300 to AM4153 printed 1791
Apr. 2 Withem AM4156 printed 1802
Apr. 3 Attorney General's Opinion #96027 to Warner 1833
Apr. 3 Bromm-Robinson-Wickersham-Chambers-Coordsen-Preister-Pirsch AM4371 to AM4153 printed 1868
Apr. 4 Lindsay AM4399 to AM4153 printed 1902
Apr. 4 Withem-Wickersham AM4408 printed 1908
Apr. 4 Abboud name added 1910
Apr. 9 AM7270 (E & R) adopted. Withem pending AM4156 p. 1802 and FA625 withdrawn. Bromm-Hillman AM4426 to AM4153 pending. Chambers FA626 to AM4426 adopted 1918
Apr. 9 Bromm-Hillman pending AM4426 p. 1919 adopted as amended by Wickersham AM4431, Lindsay FA627, and Beutler FA629. Lindsay FA628 lost. Chambers FA630 withdrawn. Bromm motion to suspend rules and vote without further debate withdrawn. Hillman pending AM4207 p. 1652, Bromm pending AM4300 p. 1791, Bromm et al pending AM4371 p. 1791, Bromm et al pending AM4371 p. 1868, Lindsay pending AM4399 p. 1902, and Withem-Wickersham pending AM4408 p. 1908 withdrawn. Advanced for Engrossment 1928
Apr. 9 Correctly Engrossed 1941
Apr. 9 ER9187 change 1944
Apr. 11 Final Reading w/E 46-1-2 2074
Apr. 11 Speaker signed 2078
Apr. 18 Presented to Governor (4/11) 2081
Apr. 18 Approved by Governor (4/15) 2089

LEGISLATIVE BILL 1376. By Bromm

Jan. 18 Read first time 491
Jan. 22 Referred to Committee on Banking, Commerce and Insurance 539
Jan. 26 Notice of hearing (2/13) 629

Feb. 15 Placed on General File - Com AM3193 815
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1377. By Avery, Hartnett, Preister

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 539
Jan. 30 Attorney General's Opinion #96008 to Avery 640
Feb. 7 Notice of hearing (2/21) 725
Feb. 28 Indefinitely postponed 970

LEGISLATIVE BILL 1378. By Hillman, Engel, Klein, Robak

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Judiciary 539
Feb. 14 Notice of hearing (2/21) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1379. By Schrock

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Judiciary 539
Feb. 14 Notice of hearing (2/28) 796
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1380. By Lindsay, Dierks, Hilgert, Jensen

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Judiciary 539
Jan. 22 Schrock and Pedersen names added 549
Jan. 24 Hartnett name added 596
Feb. 1 Notice of hearing (2/8) 683
Feb. 5 Pirsch name added 711
Feb. 21 Lindsay priority bill 866
Feb. 28 Placed on General File 971
Mar. 22 Witek AM3615 printed 1468
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1381. By Avery, Hartnett, Preister, Withem

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Revenue 539
Feb. 6 Notice of hearing (2/21) 722
Mar. 12 Placed on General File - Com AM3656 1200
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1381 amended into LB 1039 by AM4230)

LEGISLATIVE BILL 1382. By Bromm

Jan. 18 Read first time 492
Jan. 22 Referred to Committee on Appropriations 539
Jan. 24 Notice of hearing (2/12) 580
Feb. 21 Appropriations Committee priority bill 866
Mar. 7 Placed on General File 1091
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1382 amended into LB 1226 by AM3516)

LEGISLATIVE BILL 1383. By Schrock

Jan. 18 Read first time 493
Jan. 22 Referred to Committee on Natural Resources 540
Feb. 7 Notice of hearing (2/14) 739
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1384. By Natural Resources Committee

Jan. 18 Read first time 493
Jan. 22 Referred to Committee on Natural Resources 540
Jan. 24 Notice of hearing (2/1) 581
Feb. 27 Placed on General File - Com AM3312 941
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1384 amended into LB 1085 by AM3984)

LEGISLATIVE BILL 1385. By Natural Resources Committee

Jan. 18 Read first time 493
Jan. 22 Referred to Committee on Natural Resources 540
Jan. 24 Notice of hearing (2/1) 581
Feb. 21 Natural Resources Committee priority bill 866
Feb. 27 Placed on General File - Com AM3065 930
Apr. 18 Indefinitely postponed 2111
(Provisions/portions of LB 1385 amended into LB 1085 by AM3873)

LEGISLATIVE BILL 1386. By Natural Resources Committee

Jan. 18 Read first time 493
Jan. 22 Referred to Committee on Natural Resources 540
Feb. 7 Notice of hearing (2/15) 739
Feb. 28 Placed on General File 976
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1387. By Natural Resources Committee

Jan. 18 Read first time 494
Jan. 22 Referred to Committee on Natural Resources 540
Feb. 7 Notice of hearing (2/14) 739

Feb. 28 Placed on General File 976
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1388. By Natural Resources Committee

Jan. 18 Read first time 494
Jan. 22 Referred to Committee on Judiciary 540
Feb. 14 Notice of hearing (2/28) 796
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE BILL 1389. By Natural Resources Committee

Jan. 18 Read first time 494
Jan. 22 Referred to Committee on Agriculture 540
Jan. 26 Notice of hearing (2/6) 630
Feb. 21 Indefinitely postponed 865

LEGISLATIVE BILL 1390. By Warner, at the request of the Governor

Jan. 25 Read first time 618
Jan. 26 Referred to Committee on Revenue 627
Feb. 1 Notice of hearing (2/14) 681
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE BILL 1391. By Business and Labor Committee

Feb. 21 Abboud motion to allow introduction of bill prevailed. Read first time 862
Feb. 21 Referred to Committee on Business and Labor. Abboud motion to suspend rules and allow hearing prevailed. Notice of hearing (2/26) 863
Feb. 27 Placed on General File - Com AM3347 939
Mar. 21 Withem-Lindsay AM3989 printed 1401
Mar. 25 Correction. Committee AM3347 adopted as amended by Abboud AM4041. Withem-Lindsay pending AM3989 p. 1401 withdrawn. Advanced for Review 1473
Mar. 26 Placed on Select File - AM7263 1534
Apr. 1 AM7263 (E & R) adopted. Withem-Lindsay reoffered AM3989 p. 1401 adopted. Dierks FA601 pending 1685
Apr. 1 Dierks pending FA601 p. 1685 lost. Advanced for Engrossment 1686
Apr. 2 Correctly Engrossed 1784
Apr. 2 ER9165 change 1785
Apr. 9 Final Reading w/E 44-0-5 1971
Apr. 9 President signed 1978

Apr. 10 Presented to Governor (4/9) 2008
Apr. 18 Approved by Governor (4/12) 2083

LEGISLATIVE BILL 1392. By Business and Labor Committee

Feb. 21 Abboud motion to allow introduction of bill prevailed 862
Feb. 21 Read first time. Referred to Committee on Business and Labor. Abboud motion to suspend rules and allow hearing prevailed. Notice of hearing (2/26) 863
Mar. 5 Indefinitely postponed 1053

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-FOURTH LEGISLATURE
SECOND SESSION
1996

LEGISLATIVE RESOLUTION 6CA. By Dierks, Jones, Pirsch, Schmitt, Schrock, Witek

Jan. 3 Title 60
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 7. By Jones, Avery, Beutler, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Day, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jensen, Kristensen, Lindsay, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska, Wehrbein, Wickersham, Witek, Stuhr

Jan. 3 Title 63
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 10CA. By Witek

Jan. 3 Title 64
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 17CA. By Lindsay, Schrock, Schimek

Jan. 3 Title 64
Jan. 3 Wesely AM0989 to committee AM0265 printed 201
Jan. 9 Lindsay AM2748 to committee AM0265 printed 344
Jan. 10 Lindsay AM2763 to committee AM0265 printed 371
Jan. 17 Lindsay AM2787 to committee AM0265 printed 460
Jan. 18 Schimek pending AM0622 p. 951, First Session, withdrawn. Wesely pending AM0989 p. 201 lost. Pending 485
Jan. 18 Lindsay pending AM2748 p. 344, AM2763 p. 371, and AM2787 p. 460 withdrawn. Chambers FA392 to committee AM0265 pending 521
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 25CA. By Coordsen

Jan. 3 Title 65
Jan. 16 Indefinitely postponed 427

LEGISLATIVE RESOLUTION 26. By Bernard-Stevens

Jan. 3 Title 66
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 27CA. By Chambers

Jan. 3 Title 66
Apr. 3 Chambers pending AM0938 p. 1191, First Session, withdrawn. Advanced for Engrossment 1856
Apr. 9 Correctly Engrossed 1911
Apr. 11 Final Reading 41-4-4 2024
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Secretary of State (4/11) 2059

LEGISLATIVE RESOLUTION 29CA. By Bohlke, Withem, at the request of the Governor

Jan. 3 Title 67
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE RESOLUTION 30CA. By Hartnett, Warner

Jan. 3 Title 69
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 33CA. By Robinson, Brown, Crosby, Engel, Fisher, Lynch, Schimek

Jan. 3 Title 70
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 34CA. By Beutler

Jan. 3 Title 70
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 41CA. By Brown

Jan. 3 Title 72
Jan. 11 Brown priority resolution 384
Jan. 26 Landis FA406 and Beutler AM2934 withdrawn. Bernard-Stevens motion to indefinitely postpone laid over 633
Jan. 30 Bernard-Stevens pending motion p. 634

withdrawn. Chambers AM2957 (on file) pending 643
Jan. 30 Chambers pending AM2957 p. 644 lost. Failed to advance for Review 650
Jan. 30 Beutler AM2950 printed 653
Jan. 31 Engel explanation of vote 666
Mar. 4 Attorney General's Opinion #96016 to Beutler 1001
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 42CA. By Bromm

Jan. 3 Title 73
Feb. 27 Indefinitely postponed 929

LEGISLATIVE RESOLUTION 43CA. By Schellpeper, Bernard-Stevens, Hall, Hartnett, Pedersen, Robak

Jan. 3 Title 74
Jan. 3 Attorney General's Opinion #95100 to Schellpeper 169
Jan. 5 Schellpeper priority resolution 262
Jan. 8 Schellpeper AM2735 to committee AM2406 printed 336
Jan. 24 Will AM2850 and Schellpeper AM2884 to AM2735 printed 582
Jan. 30 Witek FA408 printed 654
Jan. 31 Schellpeper pending AM2735 p. 336 to committee AM2406 pending 662
Jan. 31 Chambers motion to bracket until 2/6/96 withdrawn. Chambers motion to bracket until 6/1/96 and Lynch amendment pending 664
Jan. 31 Beutler FA409, AM2968, and AM2969 to AM2735 printed 667
Feb. 5 Schellpeper AM3044 to committee AM2406 printed 711
Feb. 6 Lynch pending amendment p. 665 to bracket motion withdrawn. Chambers pending motion p. 665 to bracket until 6/1/96 prevailed 718
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 45CA. By Will

Jan. 3 Title 75
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 46CA. By Hillman, Crosby, Engel, Hall, Maurstad

Jan. 3 Title 76
Jan. 26 Hillman priority resolution 627
Feb. 27 Committee AM0016 p. 1401, First Session, adopted. Chambers FA462 lost. Schimek

FA463 withdrawn. Chambers motion to bracket prevailed 926
Mar. 20 Attorney General's Opinion #96024 to Hillman 1337
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 47CA. By Hall, Will, at the request of the Governor

Jan. 3 Title 76
Mar. 12 Indefinitely postponed 1201

LEGISLATIVE RESOLUTION 52. By Crosby, Wesely, Warner, Beutler, Hudkins, Maurstad

Jan. 3 Title 78
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 90. By Bernard-Stevens

Jan. 3 Title 78
Feb. 15 Indefinitely postponed 815

LEGISLATIVE RESOLUTION 93CA. By Revenue Committee

Jan. 3 Title 79
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE RESOLUTION 97. By Hall

Jan. 3 Title 80
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 276CA. By Withem

Jan. 3 Read first time 192
Jan. 3 Referred to Reference Committee 193
Jan. 5 Referred to Committee on Executive Board 247
Jan. 19 Withem priority resolution 525
Feb. 20 Notice of hearing (2/29) 840
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 277CA. By Schimek

Jan. 3 Read first time 193
Jan. 3 Referred to Reference Committee 195
Jan. 5 Referred to Committee on Government, Military and Veterans Affairs 247
Feb. 7 Notice of hearing (2/14) 725
Feb. 23 Indefinitely postponed 902

LEGISLATIVE RESOLUTION 278CA. By Schimek

Jan.	3	Read first time. Referred to Reference Committee	196
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	247
Jan.	18	Notice of hearing (1/25)	480
Feb.	5	Indefinitely postponed	706

LEGISLATIVE RESOLUTION 279CA. By Cudaback

Jan.	3	Read first time	196
Jan.	3	Referred to Reference Committee	197
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	247
Jan.	18	Notice of hearing (1/26)	480
Feb.	5	Placed on General File	705
Apr.	18	Indefinitely postponed	2111

LEGISLATIVE RESOLUTION 280CA. By Witek

Jan.	3	Read first time	197
Jan.	3	Referred to Reference Committee	198
Jan.	5	Referred to Committee on Education	247
Jan.	22	Notice of hearing (2/20)	544
Mar.	12	Indefinitely postponed	1184

LEGISLATIVE RESOLUTION 281CA. By Dierks

Jan.	3	Read first time	198
Jan.	3	Referred to Reference Committee	201
Jan.	5	Referred to Committee on Government, Military and Veterans Affairs	247
Feb.	7	Notice of hearing (2/14)	725
Feb.	23	Indefinitely postponed	902

LEGISLATIVE RESOLUTION 284CA. By Withem, Warner

Jan.	4	Read first time	219
Jan.	4	Referred to Reference Committee	223
Jan.	5	Referred to Committee on Revenue	247
Feb.	6	Notice of hearing (2/21)	722
Feb.	29	Indefinitely postponed	980

LEGISLATIVE RESOLUTION 285CA. By Withem, Warner

Jan. 4 Read first time 223
Jan. 4 Referred to Reference Committee 226
Jan. 5 Referred to Committee on Revenue 247
Feb. 6 Notice of hearing (2/21) 722
Feb. 29 Indefinitely postponed 996

LEGISLATIVE RESOLUTION 286CA. By Withem, Warner

Jan. 4 Read first time 226
Jan. 4 Referred to Reference Committee 230
Jan. 5 Referred to Committee on Revenue 247
Feb. 6 Notice of hearing (2/21) 722
Feb. 29 Indefinitely postponed 996

LEGISLATIVE RESOLUTION 287CA. By Pirsch, Avery, Bohlke, Bromm, Brown, Engel, Hilgert, Hudkins, Jones, Pedersen, Robak, Schrock, Witek

Jan. 4 Read first time 241
Jan. 4 Referred to Reference Committee 242
Jan. 8 Referred to Committee on Judiciary 332
Feb. 14 Notice of hearing (2/22) 795
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 288CA. By Maurstad

Jan. 5 Read first time 251
Jan. 5 Referred to Reference Committee 252
Jan. 8 Referred to Committee on Revenue 332
Jan. 10 Klein name added 373
Jan. 17 Notice of hearing (1/24) 453
Jan. 30 Indefinitely postponed 639

LEGISLATIVE RESOLUTION 292CA. By Revenue Committee

Jan. 8 Read first time 277
Jan. 8 Referred to Reference Committee 278
Jan. 9 Referred to Committee on Revenue 353
Jan. 24 Notice of hearing (2/1) 581
Jan. 31 Elmer priority resolution 666
Feb. 2 Elmer name added 700
Mar. 11 Placed on General File - Com AM3650 1161
Mar. 19 Brown AM3876 and AM3894 lost. Bernard-Stevens FA563 to committee AM3650 pending 1318
Mar. 21 Bernard-Stevens pending FA563 p. 1320 lost. Committee AM3650 adopted. Advanced for Review 1400
Mar. 26 Placed on Select File - AM7262 1534
Mar. 27 Hillman-Engel AM4142 printed 1616

Mar. 28 Schrock AM4167 printed 1662
Apr. 2 AM7262 (E & R) adopted. Hillman-Engel pending AM4142 p. 1616 lost. Pending 1769
Apr. 2 Schrock pending AM4167 p. 1662 adopted. Withem motion to reconsider AM4167 prevailed. Schrock reconsidered AM4167 p. 1662 lost. Advanced for Engrossment 1781
Apr. 4 Correctly Engrossed 1900
Apr. 4 Maurstad name added 1910
Apr. 10 Final Reading 46-1-2 2001
Apr. 11 Speaker signed 2037
Apr. 11 Presented to Secretary of State (4/11) 2059

LEGISLATIVE RESOLUTION 293CA. By Brown, Bernard-Stevens, Brashear, Bromm, Engel, Hilgert, Hillman, Jensen, Klein, Robinson, Schmitt, Witek

Jan. 8 Read first time 297
Jan. 8 Referred to Reference Committee 300
Jan. 9 Referred to Committee on Revenue 353
Jan. 11 Preister name added 412
Jan. 24 Notice of hearing (2/1) 581
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE RESOLUTION 294CA. By Warner

Jan. 8 Read first time 324
Jan. 8 Referred to Reference Committee 327
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs 353
Feb. 7 Notice of hearing (2/14) 725
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 295CA. By Warner

Jan. 8 Read first time 327
Jan. 8 Referred to Reference Committee 330
Jan. 9 Referred to Committee on Government, Military and Veterans Affairs 353
Feb. 7 Notice of hearing (2/14) 725
Feb. 23 Indefinitely postponed 902

LEGISLATIVE RESOLUTION 297. By Warner, Bohlke, Wickersham, Beutler, Wesely, Coordsen, Robinson, Will, Withem, Hartnett, Schellpeper, Kristensen, Lindsay

Jan. 11 Read first time. Laid over 400
Jan. 16 Jones AM2780 adopted. Beutler AM2778 pending 415
Jan. 16 Beutler pending AM2778 p. 415 lost. Chambers motion to bracket until 4/15 withdrawn. Beutler AM2779 withdrawn. Withem FA389 lost. Point of order by Chambers. Challenge of Chair lost 420
Jan. 16 Lynch FA390 printed 430
Jan. 16 Maurstad FA391 printed 431
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 299CA. By Stuhr, Bernard-Stevens, Beutler, Janssen, Warner

Jan. 16 Read first time 419
Jan. 16 Referred to Reference Committee 420
Jan. 18 Referred to Committee on Education 466
Jan. 22 Notice of hearing (2/26) 544
Feb. 29 Indefinitely postponed 980

LEGISLATIVE RESOLUTION 300CA. By Warner

Jan. 17 Read first time 457
Jan. 17 Referred to Reference Committee 458
Jan. 19 Referred to Committee on Revenue 524
Feb. 6 Notice of hearing (2/15) 722
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE RESOLUTION 301CA. By Will

Jan. 17 Read first time 458
Jan. 17 Referred to Reference Committee 459
Jan. 19 Referred to Committee on General Affairs 524
Jan. 31 Notice of hearing (2/13) 664
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 302CA. By Avery, Pirsch, Schmitt, Witek

Jan. 18 Read first time 475
Jan. 18 Referred to Reference Committee 476
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 540
Feb. 7 Notice of hearing (2/21) 725
Feb. 28 Indefinitely postponed 970

LEGISLATIVE RESOLUTION 303CA. By Bohlke, Bromm

Jan. 18 Read first time 476
Jan. 18 Referred to Reference Committee 477
Jan. 22 Referred to Committee on Education 540
Jan. 22 Notice of hearing (2/12) 543
Mar. 12 Indefinitely postponed 1184

LEGISLATIVE RESOLUTION 307CA. By Withem

Jan. 18 Read first time 494
Jan. 18 Referred to Reference Committee 500
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 540
Feb. 7 Notice of hearing (2/14) 725
Apr. 18 Indefinitely postponed 2111

LEGISLATIVE RESOLUTION 308CA. By Withem

Jan. 18 Read first time 500
Jan. 18 Referred to Reference Committee 505
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 540
Feb. 7 Notice of hearing (2/14) 725
Feb. 23 Indefinitely postponed 902

LEGISLATIVE RESOLUTION 309CA. By Withem

Jan. 18 Read first time 505
Jan. 18 Referred to Reference Committee 510
Jan. 22 Referred to Committee on Government, Military and Veterans Affairs 540
Feb. 7 Notice of hearing (2/14) 725
Feb. 23 Indefinitely postponed 902

LEGISLATIVE RESOLUTION 310CA. By Maurstad

Jan. 18 Read first time 510
Jan. 18 Referred to Reference Committee 511
Jan. 22 Referred to Committee on Revenue 540
Jan. 23 Elmer name added 567
Jan. 24 Notice of hearing (2/1) 581
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE RESOLUTION 311CA. By Jones, Coordsen, Schellpeper

Jan. 18 Read first time 511
Jan. 18 Referred to Reference Committee 514
Jan. 22 Referred to Committee on Revenue 540

Feb. 6 Notice of hearing (2/23) 722
Mar. 13 Indefinitely postponed 1233

LEGISLATIVE RESOLUTION 312CA. By Urban Affairs Committee

Jan. 18 Read first time 514
Jan. 18 Referred to Reference Committee 515
Jan. 22 Referred to Committee on Urban Affairs 540
Jan. 23 Notice of hearing (2/6) 554
Mar. 5 Indefinitely postponed 1028

LEGISLATIVE RESOLUTION 313. By Wehrbein

Jan. 19 Read first time. Laid over 530
Jan. 22 Referred to Reference Committee 540
Jan. 23 Referred to Committee on Natural Resources 553
Feb. 7 Notice of hearing (2/15) 739
Feb. 28 Reported to Legislature for further consideration 977
Mar. 27 Resolution adopted with 25-0-24 1597
Mar. 28 Speaker signed 1622

LEGISLATIVE RESOLUTION 343. By Wickersham, Wehrbein, Lynch, Crosby, Robak

Mar. 12 Read first time. Laid over 1206
Mar. 13 Referred to Reference Committee 1224
Mar. 13 Referred to Committee on Nebraska Retirement Systems 1234
Mar. 14 Notice of hearing (3/21) 1267
Mar. 27 Reported to Legislature for further consideration with AM4141 1598
Apr. 9 Witek AM4267 printed 1944
Apr. 10 Committee AM4141 adopted. Witek pending AM4267 p. 1944 pending 2009
Apr. 10 Witek pending AM4267 p. 1944 withdrawn. Beutler FA641 lost. Beutler FA642 adopted. Resolution adopted with 30-12-7 2010
Apr. 10 Correctly Enrolled. Enrolled resolution printed 2016
Apr. 10 Speaker signed 2018

INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

NINETY-FOURTH LEGISLATURE SECOND SESSION 1996

CHRIS ABBOUD

LB	
220*	Provide liability provisions for accountants.
340*	Provide for litter removal programs administered by the Game and Parks Commission.
645*	Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
645A*	Appropriation Bill.
681*	Adopt the Nebraska Nonprofit Corporation Act, provide for limited liability partnerships and change provisions relating to limited liability companies.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
924*	Provide a separate date for the presidential primary election.
925*	Provide an exception from employment security laws for AmeriCorp participants.
972*	Adopt the Charitable Gift Annuity Act and eliminate provisions on solicitation of funds.
1039*	Change provisions relating to property taxation.
1072*	Change provisions relating to income tax withholding from unemployment compensation and appeals to district court.
1093	Change provisions relating to handicapped parking.
1097	Change provisions relating to theft offenses.
1099*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
1118*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
1169*	Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1170*	Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1182*	Change provisions relating to criminal law, criminal procedure, and incarceration.
1211*	Change provisions for the issuance of parking permits for handicapped or disabled persons.

1282 Provide for visitation orders in paternity actions.
1283 Adopt the Uniform Common Interest Ownership Act and eliminate provisions relating to the Condominium Property Act and Nebraska Condominium Act.
1343 Change provisions relating to pretrial diversion.
1343A Appropriation Bill.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

MIKE AVERY

LB
81* Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
114* Provide for lifetime habitat stamps and lifetime trout stamps.
166* Provide for certain county offices to be filled on a nonpartisan basis.
304* Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
338* Provide for aquatic management areas and habitats and for aquatic habitat stamps.
388* Provide a surcharge on certain defendants.
425*** Create the Selective Enhancement for Economic Development Fund.
484* Change reimbursement provisions relating to petroleum release remedial actions.
521 Change provisions for vesting in the state employee's retirement system.
525* Change the membership of the Nebraska Retirement Systems Committee.
576* Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.
642* Provide duties for six month case reviews by the Foster Care Review Board.
642A* Appropriation Bill.
643* Change provisions relating to school, learner's, and farm permits.
733* Eliminate a deadline for opting out of an educational service unit.
1000* Exempt medical alarm equipment from sales and use taxation.
1039* Change provisions relating to property taxation.
1105* Prohibit certain advertising practices relating to tobacco.
1118* Eliminate a restriction on an additional amount of service surcharge for 911 service.
1125* Change secure confinement facility location provisions relating to juveniles.

1143* Provide reduction of General Fund appropriations.
1148* Change provisions for driving under the influence of alcohol.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1170* Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1187* Change provisions for responsibility of certain costs for commitment of mentally ill persons.
1206* Adopt the Sexual Predator Act.
1207* Limit nuisance actions relating to noise created by sport shooting ranges.
1218*** Transfer and provide duties relating to motor carriers.
1240* Change provisions for investments on interest received from lottery proceeds.
1253* Change provisions relating to county land reutilization authorities and commissions.
1287* Change provisions for publication and distribution of proposed constitutional amendments.
1288 Change certificate of public convenience and necessity requirements for certain movers of household goods.
1289 Change provisions for the calculation of homestead exemptions.
1318* Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1354* Prohibit cities from collecting motor vehicle and wheel taxes from persons outside its corporate boundary.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1377* Require county wide elections for certain construction projects and site acquisition.
1381* Change a provisions relating to valuation of agricultural and horticultural land.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
287CA* Constitutional amendment to change requirements for granting paroles.
302CA* Constitutional amendment to change publishing requirements for proposed constitutional amendments.

DAVID BERNARD-STEVENS

LB	
116*	Credit a portion of the marriage license fee to the Domestic Violence and Sexual Assault Prevention Cash Fund.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
338*	Provide for aquatic management areas and habitats and for aquatic habitat stamps.
578*	Change provisions relating to review of foster care placements.
651	Provide for state aid for capital improvements for schools.
652	Prohibit the assessment of costs for court actions to the county by the state.
670*	Change provisions relating to allocated income tax under the Tax Equity and Educational Opportunities Support Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
952*	Change provisions relating to vehicular pursuit damages and training.
1023*	Provide for mediation for disputes under the Special Education Act.
1046	Change provisions relating to evaluations relating to the Office of Juvenile Services.
1071*	Require insurance companies to pay for minimal hospitalization following child delivery.
1140	Change provisions for transportation relating to education.
1141	Change Youth Diagnostic and Rehabilitation Center termination date.
1141A	Appropriation Bill.
1142	Provide for mediation for disputes under the Special Education Act.
1145*	Change provisions for state aid and special education payments.
1161*	Provide for meetings of risk management pools to be held by videoconferencing.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1368*	Change provisions for the wage benefit credit under the Quality Jobs Act.
LR	
26	Ratify the proposed balanced budget amendment to the U.S. Constitution.
43CA*	Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

90	Recognize problems created in competition between states in offering economic incentives.
293CA*	Constitutional amendment to provide for consolidation of a county and other political subdivisions.
299CA*	Constitutional amendment to change the maximum age for receiving free instruction in schools.

CHRIS BEUTLER

LB	
108A	Appropriation Bill.
142	Require school districts provide preparation time for teachers.
143	Change provisions for use of public power surplus line capacity.
176	Change the number of members and the districts of the Game and Parks Commission.
236	Change the fees for park entry permits and create the State Recreational Trails Cash Revolving Fund.
237	Create the Task Force on River Assessment.
238	Change provisions relating to chemigation.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
296	Provide fees and change provisions relating to recreational trails.
298*	Redefine "household income" relating to homestead exemption.
320	Adopt the Student Freedom of Expression Act.
388*	Provide a surcharge on certain defendants.
496*	Adopt the Parkinson's Disease Registry Act.
536*	Define terms and provide for automatic teller machine safety.
537	Change provisions for reporting under the Campaign Finance Limitation Act and change provisions for distribution of public funds.
540	Exempt part-time band and orchestra members from employment security benefits.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
548*	Adopt the Candidate Campaign Committee Income Tax Act.
553	Eliminate a requirement for an affidavit relating to decommissioned water wells.
554	Change provisions for controlled shooting areas, captive wildlife and aquaculture permits, and recreational trails.
555**	Permit employment of certain minors in certain occupations.

576*	Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.
592***	Adopt the License Revocation Act and provide for child support and referees to hear visitation disputes.
592A*	Appropriation Bill.
604*	Change provisions relating to county treasurers and school affiliation.
640	Adopt the Drinking Water Source Quality Act.
694*	Adopt the Design Professions Regulation Act.
716*	Change provisions relating to educational lands.
764	Adopt the Environmental Education Act.
778*	Provide duties for the Department of Public Institutions, Department of Social Services, mental health centers and the State Patrol regarding handgun certificates.
803	Change provisions for induced ground water recharge appropriations.
854	Establish the position of State Recreational Trails Coordinator.
870*	Provide funding for ethanol tax credits from the General Fund.
1039*	Change provisions relating to property taxation.
1051*	Change provisions for municipally owned electric systems in primary class cities.
1054	Change provisions relating to municipal well fields for water supply.
1085A*	Appropriation Bill.
1099*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
1145*	Change provisions for state aid and special education payments.
1178	Change provisions of the school enrollment option program.
1201	Change provisions relating to low-level radioactive waste disposal.
1206*	Adopt the Sexual Predator Act.
1209	Change provisions relating to interest on delinquent child support payments.
1226*	Change provisions relating to environmental protection.
1226A*	Appropriation Bill.
1241	Change provisions of the Water Well Standards and Contractors' Licensing Act.
1242	Change provisions for parental liability for acts of a child.
1243	Change provisions for filing initiative petitions.
1244	Change the number of county court and district court judges.
1244A	Appropriation Bill.
1245	Change the termination date for fees required on purchases of commercial fertilizer.

1248* Create the Local Government Catastrophic Financial Emergency Fund.
1292 Provide for and require operator's licenses or boater education programs for motorboat operators.
1293 Change provisions for cost sharing for decommissioning water wells.
1294 Change provisions for fees and fee collection for petroleum release remedial actions.
1295 Provide for inclusion of before-and-after-school programs in the state aid formula.
1296 Change county court jurisdiction to include concurrent jurisdiction for domestic relations matters.
1334 Create the Nebraska Gambling Commission.
1352 Allow natural resources districts to establish and collect fees for public access to certain land.
1353 Provide for an official recreational trails plan.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
34CA Constitutional amendment to provide for disciplinary action against judges.
52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
297* State legislative intent regarding property taxes.
299CA* Constitutional amendment to change the maximum age for receiving free instruction in schools.

ARDYCE BOHLKE

LB

148* Authorize schools to require criminal history information as a condition of employment.
149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
425*** Create the Selective Enhancement for Economic Development Fund.
600 Provide for incentives for reorganized school districts.
624A Appropriation Bill.
625 Provide a deadline for completion of salary negotiations between school boards and teachers.
628* Appropriate funds to the Coordinating Commission for Postsecondary Education.
634* Change provisions for an emission fee collected from air pollution sources.
754* Require fingerprinting and criminal history record information checks on applicants for teaching and administrative certificates and permits.

754A	Appropriation Bill.
789*	Provide that certain records relating to job applicants considered for employment by the state are not public matters.
810*	Provide methods for the payment of employee wages.
818*	Adopt the Charter Schools Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
849*	Create a program to reduce teen pregnancy.
852*	Provide for regulation of nail technicians and nail technology instructors, schools and salons.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
859A	Appropriation Bill.
870*	Provide funding for ethanol tax credits from the General Fund.
900	Transfer, combine and eliminate sections relating to education.
959*	Allow a physician or nurse to report alcohol and drug testing results on accident victims to law enforcement.
967*	Change provisions relating to certain school board elections.
1014*	Change and eliminate provisions relating to schools, education, penalties and school districts.
1015*	Define and redefine terms relating to schools.
1016*	Rename the Nebraska School for the Visually Handicapped.
1023*	Provide for mediation for disputes under the Special Education Act.
1024	Provide for hearings relating to the type or discontinuance of special education services.
1031	Change the requirement of counties providing office and service facilities to administer public assistance programs.
1032	Exempt products used in manufacturing processes from sales and use taxes.
1039*	Change provisions relating to property taxation.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1050A	Appropriation Bill.
1091*	Change provisions relating to "other receipts" under the Tax Equity and Educational Opportunities Support Act.
1112*	Change provisions for transportation relating to schools.
1116	Change provisions relating to school districts which have lost population.
1117*	Change provisions relating to the fee for teacher certification.
1127*	Change provisions relating to obtaining an instream water appropriation.

1149 Change provisions relating to state aid to schools.
1183* Require an informed consent for certain employees exposed to environmental health hazards.
1192* Appropriate funds to the Department of Education to provide state aid to schools.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1221* Adopt the Charitable Solicitation Registration Act.
1226* Change provisions relating to environmental protection.
1284* Provide for a tax credit for the purchase of flow meters used for agricultural irrigation purposes.
1299* Require the Legislature's Education Committee to introduce legislation relating to the growth rate and range for school districts.
1301 Provide for calculating base cost per student and adjusted base cost per student under the Tax Equity and Educational Opportunities Support Act.
1302** Change data requirements under the Tax Equity and Educational Opportunities Support Act.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1371* Change provisions for school districts to enter into contracts for technology enhancements.
1372* Change provisions relating to annexation and Class III school districts.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
29CA*** Constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.
287CA* Constitutional amendment to change requirements for granting paroles.
297* State legislative intent regarding property taxes.
303CA* Constitutional amendment to provide management of educational lands be under direction of the Legislature.

KERMIT A. BRASHEAR

LB

425*** Create the Selective Enhancement for Economic Development Fund.
436* Redefine terms of the Local Option Municipal Economic Development Act.
569 Change recovery limitations under the Nebraska Hospital-Medical Liability Act.
642* Provide duties for six month case reviews by the Foster Care Review Board.

643* Change provisions relating to school, learner's, and farm permits.
909* Change provisions regarding collection of personal property by affidavit relating to estates.
926 Change provisions relating to joinder in civil proceedings.
927* Adopt the Athlete Agent Registration and Accountability Act.
927A Appropriation Bill.
992* Provide for retainage from payments relating to public contracts.
1044*** Adopt the Nebraska Partnership for Health and Human Services Act.
1063* Provide a sales tax exemption for the sale of clothing to nonprofit charitable organizations.
1064 Change provisions relating to impeding traffic.
1065 Change requirements for lights on motor vehicles.
1089* Redefine the term "use" relating to sales and use taxes.
1099* Adopt the Counterfeiting Prevention and Trademark Protection Act.
1100 Change provisions relating to divorce decree appeals.
1101 Adopt the Industrial Hygiene Title Protection Act.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1175* Authorize suspension of drivers' licenses for certain juveniles.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1232* Change provisions relating to the schedule of controlled substances.
1240* Change provisions for investments on interest received from lottery proceeds.
1263* Change reporting requirements under the Political Accountability and Disclosure Act.
1264* Provide for Nebraska Cornhusker Spirit Plates.
1264A Appropriation Bill.
1265 Allow financing agreements for real and personal property acquisitions and capital construction in the Nebraska State Capitol Environs District.
1367 Change provisions for dispensing lottery ticket proceeds.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1369 Change provisions relating to mold, die, and pattern sales tax exemptions.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

CURT BROMM

LB	
38*	Change provisions relating to the fine for moving traffic violations occurring in a construction zone.
90	Eliminate trial by jury for certain criminal cases in county court.
91	Change provisions for the costs of transcripts of certain municipal proceedings.
157*	Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168*	Change notice provisions for public hearings on administrative rules and regulations.
206*	Change licensure requirements for certain emergency medical service personnel.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
388*	Provide a surcharge on certain defendants.
423*	Change provisions for appointment, powers, and duties of guardians and conservators.
425***	Create the Selective Enhancement for Economic Development Fund.
511*	Prohibit campaign contributions during legislative sessions.
512	Adopt provisions relating to banks and mergers.
630*	State legislative intent relating to the funding of public education.
645*	Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
694*	Adopt the Design Professions Regulation Act.
708*	Change provisions for applicability of the school enrollment option programs.
716*	Change provisions relating to educational lands.
731*	Provide for voluntary self-evaluation and environmental audit reports.
734	Change provisions relating to investments and fiduciaries.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
859*	Change and eliminate a duty for school districts to provide certain information relating to abortion.
870*	Provide funding for ethanol tax credits from the General Fund.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
963*	Change provisions relating to aggravating circumstances in applying the death penalty.

1009*	Change provisions relating to postconviction proceedings.
1013*	Provide for a waiver of certain standards relating to elevators.
1023*	Provide for mediation for disputes under the Special Education Act.
1099*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
1102*	Require the sale of certain educational lands.
1103*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1106*	Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.
1125*	Change secure confinement facility location provisions relating to juveniles.
1127*	Change provisions relating to obtaining an instream water appropriation.
1175*	Authorize suspension of drivers' licenses for certain juveniles.
1192*	Appropriate funds to the Department of Education to provide state aid to schools.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1210*	Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1226*	Change provisions relating to environmental protection.
1226A*	Appropriation Bill.
1231	Define and redefine terms under the Municipal Natural Gas Regulation Act.
1284*	Provide for a tax credit for the purchase of flow meters used for agricultural irrigation purposes.
1348*	Limit liability for damages in actions relating to job references.
1349*	Adopt the Court Appointed Special Advocate Act.
1374*	Adopt the Property Tax Reduction Act.
1375*	Prohibit and terminate contracts relating to access to public records and create a task force.
1376	Provide for use of bonds to provide funding for the Petroleum Release Remedial Action Cash Fund.
1382	Provide for transfers from the Wastewater Treatment Facilities Construction Loan Fund.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
42CA	Constitutional amendment to allow in lieu of tax payments for real property acquired for water supply purposes for cities.

287CA* Constitutional amendment to change requirements for granting paroles.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.
303CA* Constitutional amendment to provide management of educational lands be under direction of the Legislature.

PAM BROWN

LB
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
425*** Create the Selective Enhancement for Economic Development Fund.
436* Redefine terms of the Local Option Municipal Economic Development Act.
532* Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
633* Provide that certain training is not a disqualification for employment security benefits.
642* Provide duties for six month case reviews by the Foster Care Review Board.
698 Establish the Nebraska Commission on Human Genetic Technologies.
766* Change provisions relating to driving under the influence and "zero tolerance."
1009* Change provisions relating to postconviction proceedings.
1013* Provide for a waiver of certain standards relating to elevators.
1029* Change provisions relating to distribution of state aid to schools.
1030* Change provisions relating to allocation of income tax receipts for state aid to schools.
1039* Change provisions relating to property taxation.
1044*** Adopt the Nebraska Partnership for Health and Human Services Act.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1089* Redefine the term "use" relating to sales and use taxes.
1102* Require the sale of certain educational lands.
1105* Prohibit certain advertising practices relating to tobacco.
1125* Change secure confinement facility location provisions relating to juveniles.
1127* Change provisions relating to obtaining an instream water appropriation.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1206* Adopt the Sexual Predator Act.

1213* Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.
1226* Change provisions relating to environmental protection.
1276* Adopt the Museum Property Act.
1279* Provide for science laboratory safety in schools.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
41CA Constitutional amendment to remove references to the Public Service Commission and the Railway Commission.
287CA* Constitutional amendment to change requirements for granting paroles.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

ERNIE CHAMBERS

LB

18 Eliminate the death penalty.
216* Prohibit certain actions by employers based on use of lawful products by employees.
308* Prohibit ticket quota requirements for law enforcement.
435 Require payment to football players at the University of Nebraska at Lincoln.
784 Adopt the Unjust Conviction and Imprisonment Act.
901* Change provisions relating to speed limits and automobile liability insurance.
902 Prohibit the investment of state funds in tobacco companies.
903 Change provisions relating to employment discrimination based on sexual orientation.
904 Provide for nonpartisan election of the Attorney General.
905 Change provisions relating to citations.
906 Change provisions relating to distribution of session laws, legislative journals and state statutes.
907 Permit truth and deception examinations as a condition of employment with the Department of Correctional Services.
914 Redefine "actively recruit" relating to non-English-speaking employees.
952* Change provisions relating to vehicular pursuit damages and training.
1039* Change provisions relating to property taxation.
1042* Provide an increase in the minimum wage rate.

1055* Provide for firearm proficiency for law enforcement officers and for access to information for purposes of handgun purchases.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1150* Change provisions for rating systems for automobile liability policies.
1186* Change powers and duties relating to enterprise zone associations.
1259 Adopt the Physician-Aid-In-Dying Act.
1260 Provide for same sex marriages.
1322* Adopt the Nebraska Affordable Housing Act and change provisions of the Nebraska Finance Authority Act.
1331 Provide for certification of staff of the Department of Correctional Services.
1332 Change the property tax exemption for religious and charitable organizations.
1333 Change provisions relating to bookmaking.

LR

27CA Authorize Legislators to participate in employee benefit programs available to other state officials.

GEORGE COORDSEN

LB

38* Change provisions relating to the fine for moving traffic violations occurring in a construction zone.
50 Require a hearing by public power districts prior to construction of a new transmission line.
101* Authorize planning and coordination grants for railroads and change the disposition of proceeds of certain taxes.
114* Provide for lifetime habitat stamps and lifetime trout stamps.
139* Exempt personal property other than motor vehicles from taxation.
149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
168* Change notice provisions for public hearings on administrative rules and regulations.
198* Change limited owner or lessee hunting permits and limitation.
229* Eliminate fees for small capacity water wells.
249 Provide for use of an economic variables test and concentric circle approach for establishing pay rates under the Industrial Relations Act.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
298* Redefine "household income" relating to homestead exemption.

301	Require an energy-cost study by the State Energy Office and the Department of Economic Development.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
319	Provide for size permits for certain farm machinery.
321	Change provisions for the number and placement of license plates on certain vehicles.
322	Change provisions for suspension and revocation of driver's licenses.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
357*	Provide a reporting system for entities involved in farm and ranch operations.
425***	Create the Selective Enhancement for Economic Development Fund.
442	Require health care providers to furnish a patient's medical records to the patient.
443	Phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces.
443A	Appropriation Bill.
533*	Change provisions relating to taxation of motor vehicles.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
630*	State legislative intent relating to the funding of public education.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
870*	Provide funding for ethanol tax credits from the General Fund.
1073	Require certain persons to produce a notarized birth registration or certified birth registration to obtain a driver's license or identification card.
1085*	Change provisions relating to political subdivision structure, operations, and funding.
1098*	Change valuation provisions for agricultural and horticultural land.
1114*	Change and provide limits on property tax levies for governmental subdivisions.
1127*	Change provisions relating to obtaining an instream water appropriation.
1148*	Change provisions for driving under the influence of alcohol.
1167	Change provisions for disqualification for employment security benefits.
1168	Change provisions relating to child support payments.
1192*	Appropriate funds to the Department of Education to provide state aid to schools.

1202* Change and eliminate a provision for sewerage system funds for second class cities and villages.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206* Adopt the Sexual Predator Act.
1210* Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1351* Adopt the Ambulance District Act.
1373* Create the Review Incentives Program Committee.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
25CA Constitutional amendment to require the Legislature to appropriate funds for programs mandated by the Legislature to political subdivisions.
297* State legislative intent regarding property taxes.
311CA* Constitutional amendment to restrict the use of property tax funds by school districts and educational service units.

LaVON CROSBY

LB

35 Authorize the refund of hunting permit fees in certain circumstances.
110 Appropriate funds for the purchase of video equipment for law enforcement motor vehicles.
132* Provide penalties for speeding, failure to yield, and passing in a school crossing zone.
149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
150* Lower the prohibited concentration of alcohol for DWI conviction.
151* Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
201* Change provisions for penalties, license suspension or revocation for driving under the influence.
242* Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
245 Change provisions for the reduction of a license revocation term for driving while intoxicated.
256* Change provisions for maintenance costs of individuals determined to be mentally incompetent.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
302 Provide for responsibility for payment of costs of medical services for individuals who are arrested, detained or taken into custody.

364*	Change petition and election procedures under the Local Option Tax Control Act.
388*	Provide a surcharge on certain defendants.
419	Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
425***	Create the Selective Enhancement for Economic Development Fund.
425A*	Appropriation Bill.
492*	Define the practice and licensure requirements for medical nutrition therapy.
507	Change penalty provisions relating to minors and driving while intoxicated.
511*	Prohibit campaign contributions during legislative sessions.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
578*	Change provisions relating to review of foster care placements.
590*	Provide for public libraries and public library federations.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
683	Require health insurance coverage for certain joint disorders.
685	Change membership requirements for the Game and Parks Commission.
705*	Prohibit pricing discrimination for prescription drugs.
711*	Require insurance coverage of certain infertility procedures and treatment.
809	Prohibit open containers of alcohol in motor vehicles.
843*	Change provisions for payment standards for cash assistance relating to public assistance.
852*	Provide for regulation of nail technicians and nail technology instructors, schools and salons.
935	Change provisions relating to classification of school districts.
939*	Change provisions relating to administrative license revocation and driving under the influence.
950*	Provide for braille instruction for visually handicapped children.
959*	Allow a physician or nurse to report alcohol and drug testing results on accident victims to law enforcement.
1004	Provide for registered nurse supervision of school health services.
1039*	Change provisions relating to property taxation.
1071*	Require insurance companies to pay for minimal hospitalization following child delivery.

1077* Change provisions for forfeitures, reemployed employees, retirement fund rollovers and breaks in service.
1145* Change provisions for state aid and special education payments.
1148* Change provisions for driving under the influence of alcohol.
1194 Change membership provisions for the Commission for the Hearing Impaired.
1206* Adopt the Sexual Predator Act.
1236* Adopt the Commission for the Blind Act.
1329* Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
1330 Create the Cultural Trust Fund.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
46CA* Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
343* Request the Attorney General initiate action relating to noncertificated school employees and membership into the school employees retirement system.

JIM D. CUDABACK

LB

81* Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
139* Exempt personal property other than motor vehicles from taxation.
156 Change provisions for appointments to a community redevelopment authority in cities and villages.
157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168* Change notice provisions for public hearings on administrative rules and regulations.
206* Change licensure requirements for certain emergency medical service personnel.

256* Change provisions for maintenance costs of individuals determined to be mentally incompetent.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
345* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
388* Provide a surcharge on certain defendants.
425*** Create the Selective Enhancement for Economic Development Fund.
590* Provide for public libraries and public library federations.
649* Adopt the County Initiative and Referendum Act.
799* Create the Nebraska Cable Television Act.
811* Provide for use of the Nebraska Right to Farm Act in court actions.
827 Change eminent domain procedures relating to railroads.
845* Change provisions relating to audits for school districts.
870* Provide funding for ethanol tax credits from the General Fund.
932 Change provisions relating to pioneer cemeteries.
933 Change a reference to the National Electrical Code.
947* Change provisions for operating a motor vehicle or a vessel to avoid arrest.
963* Change provisions relating to aggravating circumstances in applying the death penalty.
964* Provide for special elections in political subdivisions to be conducted by mail.
1009* Change provisions relating to postconviction proceedings.
1010 Allow county government to accept payment by credit card.
1011 Change provisions relating to mileage reimbursement for officials of political subdivisions.
1039* Change provisions relating to property taxation.
1070 Authorize the Game and Parks Commission to convey certain property to Buffalo County.
1127* Change provisions relating to obtaining an instream water appropriation.
1163 Change provisions relating to suburban development, city planning, and zoning.
1164 Allow political subdivisions to accept payment by credit card.
1165 Change provisions relating to city planning and zoning.
1175* Authorize suspension of drivers' licenses for certain juveniles.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1206* Adopt the Sexual Predator Act.
1207* Limit nuisance actions relating to noise created by sport shooting ranges.
1208* Change provisions relating to registration of bee colonies.

1222* Require state funding of 4-H and FFA programs at the Nebraska State Fair.
1226* Change provisions relating to environmental protection.
1318* Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
279CA Constitutional amendment to change residency requirements for executive officers of the state.

CONNIE J. DAY
(Carryover bills by former senator)

LB

78 Allow for a wrongful death action upon the death of a viable fetus.
168* Change notice provisions for public hearings on administrative rules and regulations.
253* Provide for a bonded certificate of title and distinguishing identification number plates.
253A* Appropriation Bill.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
414* Change provisions relating to nurse practitioners.
414A* Appropriation Bill.
425*** Create the Selective Enhancement for Economic Development Fund.
492* Define the practice and licensure requirements for medical nutrition therapy.
497 Change review and recommendation procedures under the Nebraska Health Care Certificate of Need Act.
532* Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
578* Change provisions relating to review of foster care placements.
587* State intent for appropriations for developmental disabilities services.
592*** Adopt the License Revocation Act and provide for child support and referees to hear visitation disputes.
592A* Appropriation Bill.
619* Redefine the practice of optometry and provide a process for approval of surgical procedures.
633* Provide that certain training is not a disqualification for employment security benefits.

645* Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
667 Adopt the Children's Health Purchasing Cooperative Act.
766* Change provisions relating to driving under the influence and "zero tolerance."
766A Appropriation Bill.
842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
849* Create a program to reduce teen pregnancy.
859* Change and eliminate a duty for school districts to provide certain information relating to abortion.
870* Provide funding for ethanol tax credits from the General Fund.
885** Provide administration of job training programs through the Department of Economic Development.

LR
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

MERTON L. DIERKS

LB
81* Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
101* Authorize planning and coordination grants for railroads and change the disposition of proceeds of certain taxes.
103*** Change provisions for acquisition, cleanup costs and ownership requirements of radioactive waste sites and materials.
105A Appropriation Bill.
106* Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
121* Prohibit smoking in state buildings and vehicles.
139* Exempt personal property other than motor vehicles from taxation.
168* Change notice provisions for public hearings on administrative rules and regulations.
170* Eliminate provisions for a common levy for Class VI school systems.
229* Eliminate fees for small capacity water wells.
247* Redefine "domestic use of ground water" to include aquaculture facility fish.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
267* Exempt personal property of certain cooperatives and nonprofit corporations from taxation.

349*	Change provisions of the Tax Equity and Educational Opportunities Support Act.
357*	Provide a reporting system for entities involved in farm and ranch operations.
359	Require net billing by an electric utility for certain electricity generators.
373*	Change provisions relating to the Rural Health Systems and Professional Incentive Act.
373A	Appropriation Bill.
425***	Create the Selective Enhancement for Economic Development Fund.
428	Eliminate the Nebraska Uniform Standards for Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles.
485	Change provisions relating to health care.
586*	Change provisions for the handling and carrying of alcoholic liquors by minors.
604*	Change provisions relating to county treasurers and school affiliation.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
630*	State legislative intent relating to the funding of public education.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
642A*	Appropriation Bill.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
843*	Change provisions for payment standards for cash assistance relating to public assistance.
870*	Provide funding for ethanol tax credits from the General Fund.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
957	Provide for orders of reimbursement for care for seized animals.
958	Change the special valuation provisions relating to agricultural or horticultural land use.
964*	Provide for special elections in political subdivisions to be conducted by mail.
1017	Change provisions relating to parking permits for handicapped or disabled persons.
1018	Change provisions relating to overweight vehicles.
1019*	Redefine "excavation" under the One-Call Notification System Act.

1020* Provide for permanent marking of underground facilities on agricultural land under the One-Call Notification System Act.
1026* Change provisions relating to vehicle length limits.
1044*** Adopt the Nebraska Partnership for Health and Human Services Act.
1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
1066 Adopt the Livestock Contract Sales Act.
1067** Change provisions of the Low-Level Radioactive Waste Disposal Act.
1068 Provide a tax on transactions.
1071* Require insurance companies to pay for minimal hospitalization following child delivery.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1098* Change valuation provisions for agricultural and horticultural land.
1103* Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104* Change weight load and length provisions for agricultural implements and combines being transported.
1105* Prohibit certain advertising practices relating to tobacco.
1108 Provide for licensure of physician assistants and change provisions relating to pharmacy.
1108A Appropriation Bill.
1113* State intent relating to increasing hourly rates for personal care aides.
1127* Change provisions relating to obtaining an instream water appropriation.
1143* Provide reduction of General Fund appropriations.
1174* Change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions.
1181* Change provisions relating to farm wineries.
1210* Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1324 Authorize a gross receipts tax.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1380* Change provisions relating to abortion.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

281CA Constitutional amendment to reduce the number of signatures required on initiative and referendum petitions.

W. OWEN ELMER

LB

100* Provide an exemption from allotment limits for irrigation.

230 Provide for entry upon property by representatives of political subdivisions.

246* Change enforcement and penalty provisions for motorcycle helmets.

576* Change and eliminate provisions for aquaculture, game and fur farming, dog training and controlled shooting areas.

590* Provide for public libraries and public library federations.

619* Redefine the practice of optometry and provide a process for approval of surgical procedures.

767* Change provisions relating to simulcast licenses for horseracing.

855* Provide duties for state agencies and political subdivisions relating to protection of the environment.

870* Provide funding for ethanol tax credits from the General Fund.

1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

1098* Change valuation provisions for agricultural and horticultural land.

1102* Require the sale of certain educational lands.

1103* Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.

1104* Change weight load and length provisions for agricultural implements and combines being transported.

1106* Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.

1127* Change provisions relating to obtaining an instream water appropriation.

1202* Change and eliminate a provision for sewerage system funds for second class cities and villages.

1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.

1224 Provide for transfer of certain real estate under the Low-Level Radioactive Waste Disposal Act.

1226* Change provisions relating to environmental protection.

1314 Change provisions relating to the lottery, method of play, and distribution of proceeds.

1347* Adopt the Right to Carry a Concealed Handgun License Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

292CA* Constitutional amendment to authorize merger or consolidation of local governments and change provisions relating to property taxation.

310CA* Constitutional amendment to require the Legislature to permit merger of local governments.

L. PAT ENGEL

LB

263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.

425*** Create the Selective Enhancement for Economic Development Fund.

425A* Appropriation Bill.

484* Change reimbursement provisions relating to petroleum release remedial actions.

619* Redefine the practice of optometry and provide a process for approval of surgical procedures.

642* Provide duties for six month case reviews by the Foster Care Review Board.

643* Change provisions relating to school, learner's, and farm permits.

767* Change provisions relating to simulcast licenses for horseracing.

870* Provide funding for ethanol tax credits from the General Fund.

991* Clarify conditions under which grandparent visitation may be sought.

1013* Provide for a waiver of certain standards relating to elevators.

1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

1061* Appropriate funds for salaries for cooperative extension educators and assistants.

1071* Require insurance companies to pay for minimal hospitalization following child delivery.

1096* Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.

1125* Change secure confinement facility location provisions relating to juveniles.

1128* State intent for salaries, service rates and appropriations relating to developmental disability services.

1171*** Provide for creation of incarceration work camps.

1171A* Appropriation Bill.

1173* Authorize a lodging tax to fund civic centers in first class cities.

1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206* Adopt the Sexual Predator Act.
1228* Change provisions relating to forfeiture of assets under the Uniform Controlled Substances Act.
1278* Change provisions relating to prescriptions, the dispensing of drugs, and regulation of the pharmacy profession.
1378* Change provisions for temporary custody and detention or placement of certain juveniles.

LR
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
46CA* Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
287CA* Constitutional amendment to change requirements for granting paroles.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

DAN FISHER

LB
98 Change provisions for hunter and bow education programs.
328* Permit certain nonprofit organizations to apply for a license to sell pickle cards.
425*** Create the Selective Enhancement for Economic Development Fund.
484* Change reimbursement provisions relating to petroleum release remedial actions.
496* Adopt the Parkinson's Disease Registry Act.
634* Change provisions for an emission fee collected from air pollution sources.
642A* Appropriation Bill.
725 Change provisions relating to the deposit of state funds.
767* Change provisions relating to simulcast licenses for horseracing.
788*** Create the Medical Savings Account Act.
842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
882* Change provisions relating to banks with similar names.
928 Allow additional counties to establish a County Visitors Improvement Fund.
929 Redefine "police animal."

930 Change the amount of certain homestead exemptions.
931 Change provisions relating to the Nebraska Industrial Development Corporation Act.
1003* Exempt purchases by nonprofit entities which coordinate construction of homes for low-income persons from sales and use tax.
1039* Change provisions relating to property taxation.
1047 Change provisions for fee collection by the Department of Labor.
1048 Change provisions for garnishment procedures.
1134* Change provisions relating to minors in possession of alcohol.
1175* Authorize suspension of drivers' licenses for certain juveniles.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1308 Provide powers and duties for the Public Service Commission to regulate railroad carriers use of trackage.
1309 Allow the Public Service Commission power to enjoin construction of certain railroad facilities.
1350* Change provisions for tobacco licenses and tobacco products and minors.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.

TIMOTHY J. HALL
(Carryover bills by former senator)

LB

216* Prohibit certain actions by employers based on use of lawful products by employees.
217* Change the hours to sell or dispense alcoholic liquor.
218* Authorize contracts for operation and management services for horseracing.
219* Change provisions relating to driver's license reinstatement fees.
220* Provide liability provisions for accountants.
224* Eliminate the Nebraska Health Care Certificate of Need Act.
225* Authorize the issuance of an employment driving permit during a period of administrative revocation.
246* Change enforcement and penalty provisions for motorcycle helmets.
278* Provide an income tax credit for certain educational expenses.

279* Change the tax offset provisions under the Comprehensive Health Insurance Pool Act.
307* Eliminate committees and a commission related to intergovernmental cooperation.
425*** Create the Selective Enhancement for Economic Development Fund.
446* Change provisions relating to the Board of Parole.
492* Define the practice and licensure requirements for medical nutrition therapy.
587* State intent for appropriations for developmental disabilities services.
588* Authorize a civil action for damages resulting from a misrepresentation of age by a minor.
781* Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
817* Eliminate restrictions on types of corporations and associations which may be licensed relating to horseracing.
818* Adopt the Charter Schools Act.
820* Change provisions relating to oaths of office.
844* Create the Employees of Elected Constitutional Offices Supplemental Retirement Act.
859* Change and eliminate a duty for school districts to provide certain information relating to abortion.
870* Provide funding for ethanol tax credits from the General Fund.
886*** Change provisions relating to the Equal Opportunity Commission.

LR

43CA* Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
46CA* Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
47CA*** Constitutional amendment to provide for appointment of the members of the State Board of Education and Commissioner of Education by the Governor.
97 Recognize the need to demilitarize the conflict in the North of Ireland to encourage further progress in the Irish Peace Process.

D. PAUL HARTNETT

LB

38* Change provisions relating to the fine for moving traffic violations occurring in a construction zone.
149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
166* Provide for certain county offices to be filled on a nonpartisan basis.

256* Change provisions for maintenance costs of individuals determined to be mentally incompetent.
280 Prohibit the controlling of rent.
329 Require construction and operation of a wind energy conversion system.
345* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
410* Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.
425*** Create the Selective Enhancement for Economic Development Fund.
436* Redefine terms of the Local Option Municipal Economic Development Act.
468 Eliminate provisions for registration of beer kegs.
590* Provide for public libraries and public library federations.
611 Change provisions relating to required smoke detectors.
612* Create the rehabilitation advisory council to the Department of Public Institutions.
642* Provide duties for six month case reviews by the Foster Care Review Board.
678* Change provisions relating to unlawful possession of a firearm on school grounds.
705* Prohibit pricing discrimination for prescription drugs.
708* Change provisions for applicability of the school enrollment option programs.
733* Eliminate a deadline for opting out of an educational service unit.
781* Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
870* Provide funding for ethanol tax credits from the General Fund.
967* Change provisions relating to certain school board elections.
973* Adopt the Uniform Management of Institutional Funds Act.
1000* Exempt medical alarm equipment from sales and use taxation.
1013* Provide for a waiver of certain standards relating to elevators.
1023* Provide for mediation for disputes under the Special Education Act.
1039* Change provisions relating to property taxation.
1057 Change provisions relating to license fees and gambling.
1058* Transfer county assessors and their employees to state government.
1071* Require insurance companies to pay for minimal hospitalization following child delivery.
1085* Change provisions relating to political subdivision structure, operations, and funding.

1110	Change the time of return of deposits under the Landlord and Tenant Act.
1114*	Change and provide limits on property tax levies for governmental subdivisions.
1145*	Change provisions for state aid and special education payments.
1169*	Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1186*	Change powers and duties relating to enterprise zone associations.
1187*	Change provisions for responsibility of certain costs for commitment of mentally ill persons.
1200*	Change membership requirements for governing boards of educational service units.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1211*	Change provisions for the issuance of parking permits for handicapped or disabled persons.
1214	Authorize a contractual arrangement between school districts and county school superintendents.
1215	Change provisions for opting out of an educational service unit.
1216	Prohibit requests by an insurer for or use of genetic testing.
1253*	Change provisions relating to county land reutilization authorities and commissions.
1318*	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1319	Change provisions for supplementary educational services provided by educational service units.
1320	Change provisions for liens on real estate for special assessments.
1321	Change and eliminate provisions relating to sanitary and improvement districts.
1354*	Prohibit cities from collecting motor vehicle and wheel taxes from persons outside its corporate boundary.
1355	Provide procedures for the recall of members of the board of trustees of sanitary and improvement districts.
1356	Change provisions relating to community redevelopment authorities.
1368*	Change provisions for the wage benefit credit under the Quality Jobs Act.
1373*	Create the Review Incentives Program Committee.
1377*	Require county wide elections for certain construction projects and site acquisition.
1380*	Change provisions relating to abortion.

1381* Change a provisions relating to valuation of agricultural and horticultural land.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

30CA* Constitutional amendment to provide property of the state and its governmental subdivisions is exempt from taxation if used for public purposes.

43CA* Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

297* State legislative intent regarding property taxes.

JOHN A. HILGERT

LB

298* Redefine "household income" relating to homestead exemption.

619* Redefine the practice of optometry and provide a process for approval of surgical procedures.

754* Require fingerprinting and criminal history record information checks on applicants for teaching and administrative certificates and permits.

915* Change provisions relating to lotteries and gambling.

927* Adopt the Athlete Agent Registration and Accountability Act.

972* Adopt the Charitable Gift Annuity Act and eliminate provisions on solicitation of funds.

1033 Adopt the Urban Venture Capital Loan Act.

1039* Change provisions relating to property taxation.

1042* Provide an increase in the minimum wage rate.

1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

1090* Eliminate a requirement that an applicant for a liquor license submit a membership list.

1128* State intent for salaries, service rates and appropriations relating to developmental disability services.

1129* Change weekly benefit provisions under the Employment Security Act.

1130* Change weekly benefit provisions under the Employment Security Act.

1144* Require certain employees to pay for collective bargaining.

1145* Change provisions for state aid and special education payments.

1150* Change provisions for rating systems for automobile liability policies.

1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.

1170* Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1186* Change powers and duties relating to enterprise zone associations.
1206* Adopt the Sexual Predator Act.
1258* Change provisions for shareholders' preemptive rights under the Business Corporation Act.
1280* Provide for a learned treatise exception to the rule against hearsay under Nebraska Rules of Evidence.
1340 Change provisions for prosecutions for sale of liquor to a minor.
1341* Change provisions relating to operation and parking of unregistered motor vehicles.
1350* Change provisions for tobacco licenses and tobacco products and minors.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.
1380* Change provisions relating to abortion.

LR

287CA* Constitutional amendment to change requirements for granting paroles.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

JOYCE HILLMAN

LB

88* Exempt irrigation districts from the Nebraska Budget Act.
100* Provide an exemption from allotment limits for irrigation.
132* Provide penalties for speeding, failure to yield, and passing in a school crossing zone.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
338* Provide for aquatic management areas and habitats and for aquatic habitat stamps.
383* Authorize the purchases of vehicles and equipment for the intercity bus systems.
425*** Create the Selective Enhancement for Economic Development Fund.
578* Change provisions relating to review of foster care placements.
633* Provide that certain training is not a disqualification for employment security benefits.
674* Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.

1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1061*	Appropriate funds for salaries for cooperative extension educators and assistants.
1071*	Require insurance companies to pay for minimal hospitalization following child delivery.
1082*	Provide for payments in lieu of taxes for housing authorities created under Indian law.
1145*	Change provisions for state aid and special education payments.
1161*	Provide for meetings of risk management pools to be held by videoconferencing.
1173*	Authorize a lodging tax to fund civic centers in first class cities.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1226*	Change provisions relating to environmental protection.
1322*	Adopt the Nebraska Affordable Housing Act and change provisions of the Nebraska Finance Authority Act.
1366	Define air ambulance service.
1366A	Appropriation Bill.
1378*	Change provisions for temporary custody and detention or placement of certain juveniles.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
46CA*	Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
293CA*	Constitutional amendment to provide for consolidation of a county and other political subdivisions.

CAROL HUDKINS

LB

57	Change provisions relating to the offense of public indecency.
58	Change the definition of "employee" or "worker" relating to workers' compensation.
126*	Change provisions relating to the offense of criminal mischief.
129	Change tolling provisions relating to civil procedure.
150*	Lower the prohibited concentration of alcohol for DWI conviction.
151*	Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
168*	Change notice provisions for public hearings on administrative rules and regulations.

201*	Change provisions for penalties, license suspension or revocation for driving under the influence.
209	Change provisions relating to controlled shooting areas and captive wildlife and aquaculture permits.
229*	Eliminate fees for small capacity water wells.
242*	Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
256*	Change provisions for maintenance costs of individuals determined to be mentally incompetent.
256A	Appropriation Bill.
367*	Provide a cause of action for disparagement of a perishable agricultural food product or commodity.
478	Clarify authorized withholding from employment security benefits.
498	Create the offense of coercing a health care professional.
590*	Provide for public libraries and public library federations.
630*	State legislative intent relating to the funding of public education.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
642A*	Appropriation Bill.
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
870*	Provide funding for ethanol tax credits from the General Fund.
941*	Permit insureds to reject uninsured and underinsured motor vehicle coverage.
942	Eliminate provisions relating to resentencing by the court under the Convicted Sex Offender Act.
943*	Eliminate a prohibition on inmates, parolees, and probationers being undercover agents.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
1013*	Provide for a waiver of certain standards relating to elevators.
1098*	Change valuation provisions for agricultural and horticultural land.
1102*	Require the sale of certain educational lands.
1103*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104*	Change weight load and length provisions for agricultural implements and combines being transported.
1206*	Adopt the Sexual Predator Act.
1207*	Limit nuisance actions relating to noise created by sport shooting ranges.

1213* Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.

1228* Change provisions relating to forfeiture of assets under the Uniform Controlled Substances Act.

1286* Provide for additional county court judges.

1347* Adopt the Right to Carry a Concealed Handgun License Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

287CA* Constitutional amendment to change requirements for granting paroles.

RAY JANSSEN

LB

148* Authorize schools to require criminal history information as a condition of employment.

206* Change licensure requirements for certain emergency medical service personnel.

212* Change provisions for consolidation of counties and county offices and the joint exercise of powers.

304* Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.

328* Permit certain nonprofit organizations to apply for a license to sell pickle cards.

388* Provide a surcharge on certain defendants.

410* Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.

425*** Create the Selective Enhancement for Economic Development Fund.

568* Provide for development and use of a state comprehensive capital facilities plan.

586* Change provisions for the handling and carrying of alcoholic liquors by minors.

628* Appropriate funds to the Coordinating Commission for Postsecondary Education.

630* State legislative intent relating to the funding of public education.

634* Change provisions for an emission fee collected from air pollution sources.

637* Create the Emergency Medical Services Providers Fund.

661* Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.

810*	Provide methods for the payment of employee wages.
870*	Provide funding for ethanol tax credits from the General Fund.
964*	Provide for special elections in political subdivisions to be conducted by mail.
970*	Provide inspections for child care programs, inspection fees and civil penalties.
987	Exempt purchases by nonprofit organizations whose volunteers build and donate homes from sales and use tax.
988	Provide a child's caretaker with access to child abuse reports.
989	Provide for certain general school purposes grants for certain school districts.
1139*	Extend the tuition program to independent colleges and universities for members of the Nebraska National Guard.
1193*	Allow municipal governments to require fingerprinting of job applicants.
1226*	Change provisions relating to environmental protection.
1249*	Provide for a stipulation for advance jury selection.
1318*	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1347*	Adopt the Right to Carry a Concealed Handgun License Act.
1374*	Adopt the Property Tax Reduction Act.
1375*	Prohibit and terminate contracts relating to access to public records and create a task force.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
299CA*	Constitutional amendment to change the maximum age for receiving free instruction in schools.

JIM JENSEN

LB

168*	Change notice provisions for public hearings on administrative rules and regulations.
436*	Redefine terms of the Local Option Municipal Economic Development Act.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
642A*	Appropriation Bill.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
963*	Change provisions relating to aggravating circumstances in applying the death penalty.
991*	Clarify conditions under which grandparent visitation may be sought.

992* Provide for retainage from payments relating to public contracts.
1009* Change provisions relating to postconviction proceedings.
1013* Provide for a waiver of certain standards relating to elevators.
1029* Change provisions relating to distribution of state aid to schools.
1030* Change provisions relating to allocation of income tax receipts for state aid to schools.
1039* Change provisions relating to property taxation.
1044*** Adopt the Nebraska Partnership for Health and Human Services Act.
1063* Provide a sales tax exemption for the sale of clothing to nonprofit charitable organizations.
1089* Redefine the term "use" relating to sales and use taxes.
1102* Require the sale of certain educational lands.
1105* Prohibit certain advertising practices relating to tobacco.
1118* Eliminate a restriction on an additional amount of service surcharge for 911 service.
1125* Change secure confinement facility location provisions relating to juveniles.
1143* Provide reduction of General Fund appropriations.
1151* Prohibit automated dispensing of tobacco products.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1179* Redefine "underground facility" under the One-Call Notification System Act.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1188* Adopt the Nonprofit Hospital Sale Act.
1204* Provide for collection of property tax on exempt property at the time of sale or transfer.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206* Adopt the Sexual Predator Act.
1317* Change the timeframe for commencement of a trial on an action for possession under the Landlord and Tenant Act.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1348* Limit liability for damages in actions relating to job references.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1380* Change provisions relating to abortion.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

JIM JONES

LB

106* Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.

139* Exempt personal property other than motor vehicles from taxation.

150* Lower the prohibited concentration of alcohol for DWI conviction.

157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.

168* Change notice provisions for public hearings on administrative rules and regulations.

170* Eliminate provisions for a common levy for Class VI school systems.

229* Eliminate fees for small capacity water wells.

263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.

345* Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.

345A Appropriation Bill.

347* Provide powers and duties for cities and villages relating to cable utility system ownership.

349* Change provisions of the Tax Equity and Educational Opportunities Support Act.

388* Provide a surcharge on certain defendants.

587* State intent for appropriations for developmental disabilities services.

630* State legislative intent relating to the funding of public education.

642A* Appropriation Bill.

649* Adopt the County Initiative and Referendum Act.

766* Change provisions relating to driving under the influence and "zero tolerance."

811* Provide for use of the Nebraska Right to Farm Act in court actions.

842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

845* Change provisions relating to audits for school districts.

870* Provide funding for ethanol tax credits from the General Fund.

947* Change provisions for operating a motor vehicle or a vessel to avoid arrest.

1009* Change provisions relating to postconviction proceedings.

1019* Redefine "excavation" under the One-Call Notification System Act.

1020* Provide for permanent marking of underground facilities on agricultural land under the One-Call Notification System Act.

1039* Change provisions relating to property taxation.

1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

1061* Appropriate funds for salaries for cooperative extension educators and assistants.

1098* Change valuation provisions for agricultural and horticultural land.

1102* Require the sale of certain educational lands.

1104* Change weight load and length provisions for agricultural implements and combines being transported.

1105* Prohibit certain advertising practices relating to tobacco.

1106* Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.

1127* Change provisions relating to obtaining an instream water appropriation.

1128* State intent for salaries, service rates and appropriations relating to developmental disability services.

1148* Change provisions for driving under the influence of alcohol.

1174* Change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions.

1175* Authorize suspension of drivers' licenses for certain juveniles.

1182* Change provisions relating to criminal law, criminal procedure, and incarceration.

1202* Change and eliminate a provision for sewerage system funds for second class cities and villages.

1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.

1207* Limit nuisance actions relating to noise created by sport shooting ranges.

1223 Place the State Energy Office under the Department of Administrative Services.

1226* Change provisions relating to environmental protection.

1315* Eliminate the Nebraska Ethanol Board and the Agricultural Alcohol Fuel Tax Fund.

1347* Adopt the Right to Carry a Concealed Handgun License Act.

1370 Exempt from household income one-time sales resulting from unexpected illness or injury relating to homestead exemptions.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

287CA* Constitutional amendment to change requirements for granting paroles.

311CA* Constitutional amendment to restrict the use of property tax funds by school districts and educational service units.

LELAND C. KLEIN

LB

1044*** Adopt the Nebraska Partnership for Health and Human Services Act.

1071* Require insurance companies to pay for minimal hospitalization following child delivery.

1098* Change valuation provisions for agricultural and horticultural land.

1106* Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.

1127* Change provisions relating to obtaining an instream water appropriation.

1161* Provide for meetings of risk management pools to be held by videoconferencing.

1173* Authorize a lodging tax to fund civic centers in first class cities.

1188* Adopt the Nonprofit Hospital Sale Act.

1206* Adopt the Sexual Predator Act.

1229 Eliminate certain provisions relating to rules and regulations in the Department of Motor Vehicles.

1236* Adopt the Commission for the Blind Act.

1279* Provide for science laboratory safety in schools.

1318* Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.

1322* Adopt the Nebraska Affordable Housing Act and change provisions of the Nebraska Finance Authority Act.

1336* Change provisions relating to grain.

1349* Adopt the Court Appointed Special Advocate Act.

1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

1378* Change provisions for temporary custody and detention or placement of certain juveniles.

LR

288CA* Constitutional amendment to specify the sources of payment for bonds issued by cities for redeveloping blighted property.

293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

DOUGLAS A. KRISTENSEN

LB

55 Change provisions relating to consent and adoption.

56 Change provisions relating to judges' retirement.

126* Change provisions relating to the offense of criminal mischief.

210* Exempt certain molds, dies, and patterns from sales and use taxes.

263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.

298* Redefine "household income" relating to homestead exemption.

323 Change provisions relating to commercial motor vehicles.

323A Appropriation Bill.

351 Change provisions relating to the retirement age for judges.

353 Provide authority to law enforcement personnel relating to disaster or civil defense situations.

355 Change provisions of the Nebraska Liquor Control Act.

465A Appropriation Bill.

489 Change restrictions on organization and withdrawal of contributions relating to limited liability companies.

536* Define terms and provide for automatic teller machine safety.

642* Provide duties for six month case reviews by the Foster Care Review Board.

673 Adopt the Nebraska Nonprofit Corporation Act.

681* Adopt the Nebraska Nonprofit Corporation Act, provide for limited liability partnerships and change provisions relating to limited liability companies.

713 Provide for undercover license plates and undercover driver's licenses.

714 Change provisions relating to dealer number plates.

731* Provide for voluntary self-evaluation and environmental audit reports.

733* Eliminate a deadline for opting out of an educational service unit.

766* Change provisions relating to driving under the influence and "zero tolerance."

842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

936* Change the membership of the Nebraska Constitutional Revision Commission.
937 Limit recovery for claims under the State Tort Claims Act.
938 Adopt updated federal motor carrier safety regulations and hazardous material regulations and change provisions for commercial drivers' licenses.
939* Change provisions relating to administrative license revocation and driving under the influence.
956 Change provisions relating to fees collected by the Secretary of State.
1002 Provide an exclusion from the statutory rule against perpetuities relating to real property.
1003* Exempt purchases by nonprofit entities which coordinate construction of homes for low-income persons from sales and use tax.
1005* Exempt fraternity and sorority officers from provisions of employment security laws.
1035 Redefine "motor vehicle dealer."
1036 Change provisions relating to dissolution and reinstatement and certificates of authority for corporations.
1085* Change provisions relating to political subdivision structure, operations, and funding.
1099* Adopt the Counterfeiting Prevention and Trademark Protection Act.
1158 Change provisions for operating a motor vehicle without a driver's license.
1202* Change and eliminate a provision for sewerage system funds for second class cities and villages.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1218*** Transfer and provide duties relating to motor carriers.
1218A Appropriation Bill.
1305 Adopt the Nebraska Essential Air Service Subsidy Act.
1306 Provide for motor vehicle salvage certificates of title and change provisions relating to vehicle size, weight, and load.
1307 Change penalty provisions for driving under the influence.
1373* Create the Review Incentives Program Committee.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
297* State legislative intent regarding property taxes.

DAVID M. LANDIS

LB	
242*	Change provisions for operating a motor vehicle during suspension or revocation for driving under the influence.
258*	Provide powers and duties for the Game and Parks Commission relating to railroad rights-of-way and recreational trails.
295**	Allow a state income tax credit for child care.
471	Change provisions relating to sexual assault.
515	Authorize the purchase of insurance by associations and change an investment provision for insurers.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
615	Adopt the Nebraska Bank Holding Company Act of 1995.
642A*	Appropriation Bill.
689	Change provisions relating to dividends and distribution relating to insurance.
748	Adopt the Uniform Custodial Trust Act.
749	Provide for the issuance of new birth certificates in certain cases.
750*	Provide for craft brewery licenses.
763	Adopt the Uniform Anatomical Gift Act.
788***	Create the Medical Savings Account Act.
922	Create the Dispute Resolution Cash Fund.
922A	Appropriation Bill.
923	Establish a day for free fishing.
969	Change provisions relating to insurance.
973*	Adopt the Uniform Management of Institutional Funds Act.
998	Adopt the Uniform Correction or Clarification of Defamation Act.
1007	Change provisions relating to city treasurers in primary class cities.
1008	Change provisions relating to uninsured and underinsured motor vehicle insurance coverages.
1028	Adopt uniform provisions relating to letters of credit under the Uniform Commercial Code.
1039*	Change provisions relating to property taxation.
1051*	Change provisions for municipally owned electric systems in primary class cities.
1052	Change withholding of earnings and assignment of income provisions relating to child support.
1053	Change provisions relating to bank securities, installment sales, and mortgage loans.
1085*	Change provisions relating to political subdivision structure, operations, and funding.
1088*	Provide for craft brewery licenses.
1145*	Change provisions for state aid and special education payments.

1184 Define "community development investments" relating to a bank's investment of funds.
1185 Change provisions relating to insurer investments.
1203 Change provisions relating to accountants.
1233 Change provisions for recording relating to bonds.
1274 Adopt the Public Funds Deposit Security Act.
1275 Change provisions relating to financial institution acquisitions and mergers.
1338 Change the duties of the Public Counsel under the State Government Effectiveness Act.
1339 Provide for safe drinking water project funding, micro enterprise loans, and guarantee programs under the Nebraska Investment Finance Authority Act.
1373* Create the Review Incentives Program Committee.

JOHN LINDSAY

LB

231 Change a liability provision for certain leased trucks.
233 Change provisions relating to city and county jails.
233A Appropriation Bill.
234 Change "good time" reductions in city or county jails.
261 Provide liability provisions for accountants.
269 Change the provisions of the offense of unauthorized use of a financial transaction device.
273* Change and eliminate provisions for transfers of juveniles between courts.
423* Change provisions for appointment, powers, and duties of guardians and conservators.
425*** Create the Selective Enhancement for Economic Development Fund.
474 Change provisions relating to genetic testing in paternity determinations.
475 Provide review procedures of district court rulings regarding life threatening medical emergencies of certain persons unable to make decisions.
492* Define the practice and licensure requirements for medical nutrition therapy.
511* Prohibit campaign contributions during legislative sessions.
516 Terminate the Judicial Resources Commission.
548* Adopt the Candidate Campaign Committee Income Tax Act.
596 Change the corporate tax rate for insurance companies subject to retaliatory taxes.
597 Provide duties for parents and guardians with respect to their minor children.
628* Appropriate funds to the Coordinating Commission for Postsecondary Education.

681* Adopt the Nebraska Nonprofit Corporation Act, provide for limited liability partnerships and change provisions relating to limited liability companies.

843* Change provisions for payment standards for cash assistance relating to public assistance.

859* Change and eliminate a duty for school districts to provide certain information relating to abortion.

865 Prohibit the underselling of competitors and provide penalties.

866 Appropriate funds to the Office of Juvenile Services for community-based programs for juveniles.

867 Authorize the temporary reassignment of separate juvenile court judges.

869 Change provisions relating to pleadings and proof relating to grandparent visitation.

876 Provide for the issuance of free park entry permits to certain veterans.

877 Change the number of judges of the separate juvenile courts and county courts.

878 Change provisions relating to protection orders under the Protection From Domestic Abuse Act.

879 Prohibit the use of public funds to pay for abortions.

880 Establish the Division of Community Corrections within the Department of Correctional Services.

881 Transfer the Office of Probation Administration from the Supreme Court to the Department of Correctional Services.

882* Change provisions relating to banks with similar names.

884 Change the duties of the Attorney General relating to proceedings on appeal to the Court of Appeals or the Supreme Court.

908 Prohibit knowing intrusion.

909* Change provisions regarding collection of personal property by affidavit relating to estates.

910* Limit retail sales of alcoholic liquor by brewpub licensees.

911* Create the offense of unauthorized entry into a propelled vehicle.

912 Adopt the Court Reporter Certification Act.

913 Change provisions relating to hearsay under Nebraska Rules of Evidence.

927* Adopt the Athlete Agent Registration and Accountability Act.

973* Adopt the Uniform Management of Institutional Funds Act.

1044*** Adopt the Nebraska Partnership for Health and Human Services Act.

1074 Change provisions relating to change of name.

1107 Provide for payments in lieu of taxes for housing authorities created under Indian law.

1129*	Change weekly benefit provisions under the Employment Security Act.
1130*	Change weekly benefit provisions under the Employment Security Act.
1131*	Change provisions for regulation of natural gas transportation systems.
1135	Create the Metropolitan Entertainment and Sports Authority.
1136	Change trial procedure for limitation of action issues.
1137	Change provisions relating to abandoned motor vehicles.
1145*	Change provisions for state aid and special education payments.
1150*	Change provisions for rating systems for automobile liability policies.
1169*	Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1171***	Provide for creation of incarceration work camps.
1171A*	Appropriation Bill.
1197	Change provisions relating to operating a motor vehicle to avoid arrest.
1198	Change penalty provisions for operating a motor vehicle to avoid arrest.
1199	Change provisions relating to the juvenile justice system.
1227*	Provide a penalty for failure to obey or resisting a peace officer.
1253*	Change provisions relating to county land reutilization authorities and commissions.
1258*	Change provisions for shareholders' preemptive rights under the Business Corporation Act.
1268	Change provisions relating to trust companies.
1269	Provide for applying an appearance bond to a judgment.
1270	Provide a sales and use tax exemption for shipments to direct mailers outside the state.
1271	Change provisions for installment payment arrangements for court costs and fines.
1272	Change the jurisdiction of the juvenile courts.
1280*	Provide for a learned treatise exception to the rule against hearsay under Nebraska Rules of Evidence.
1316	Provide the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature.
1316A	Appropriation Bill.
1341*	Change provisions relating to operation and parking of unregistered motor vehicles.
1346	Create the Legal Aid Services Fund.
1368*	Change provisions for the wage benefit credit under the Quality Jobs Act.

1380* Change provisions relating to abortion.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

17CA* Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.

297* State legislative intent regarding property taxes.

DANIEL C. LYNCH

LB

131 Change an operative date in LB 833, 1994, which modified the state administered retirement plans to conform with IRS requirements.

148* Authorize schools to require criminal history information as a condition of employment.

148A Appropriation Bill.

149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.

210* Exempt certain molds, dies, and patterns from sales and use taxes.

263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.

388* Provide a surcharge on certain defendants.

425*** Create the Selective Enhancement for Economic Development Fund.

518 Change and eliminate provisions for suspension and revocation of driver's licenses.

568* Provide for development and use of a state comprehensive capital facilities plan.

587* State intent for appropriations for developmental disabilities services.

628* Appropriate funds to the Coordinating Commission for Postsecondary Education.

642* Provide duties for six month case reviews by the Foster Care Review Board.

694* Adopt the Design Professions Regulation Act.

736 Increase the state deposit to a fund for the school retirement system.

799* Create the Nebraska Cable Television Act.

1013* Provide for a waiver of certain standards relating to elevators.

1039* Change provisions relating to property taxation.

1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.

1092 Change definitions relating to weeds and grasses.

1096* Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.

1113* State intent relating to increasing hourly rates for personal care aides.

1128* State intent for salaries, service rates and appropriations relating to developmental disability services.

1139* Extend the tuition program to independent colleges and universities for members of the Nebraska National Guard.

1144* Require certain employees to pay for collective bargaining.

1145* Change provisions for state aid and special education payments.

1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.

1179* Redefine "underground facility" under the One-Call Notification System Act.

1186* Change powers and duties relating to enterprise zone associations.

1193* Allow municipal governments to require fingerprinting of job applicants.

1211* Change provisions for the issuance of parking permits for handicapped or disabled persons.

1236* Adopt the Commission for the Blind Act.

1237 Change a provision for issuance of a citation for a handicapped parking infraction.

1238 Provide for certain time limited handicapped parking stalls or spaces.

1239 Change provisions for location of retail liquor licensees.

1253* Change provisions relating to county land reutilization authorities and commissions.

1304 Change provisions relating to city, village, and county plumbing codes and the state building code.

1329* Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.

1342 Change provisions relating to truancy.

1350* Change provisions for tobacco licenses and tobacco products and minors.

LR

33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.

343* Request the Attorney General initiate action relating to noncertificated school employees and membership into the school employees retirement system.

GERALD E. MATZKE

LB	
100*	Provide an exemption from allotment limits for irrigation.
203	Provide for acceptance of and assent to amendments of a federal act relating to medical assistance.
247*	Redefine "domestic use of ground water" to include aquaculture facility fish.
272	Change provisions for the allowance and computation of and claims for tax credits under the Employment Expansion and Investment Incentive Act.
425***	Create the Selective Enhancement for Economic Development Fund.
440*	Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
481	Adopt updated federal Motor Carrier Safety Regulations.
604*	Change provisions relating to county treasurers and school affiliation.
637*	Create the Emergency Medical Services Providers Fund.
642A*	Appropriation Bill.
694*	Adopt the Design Professions Regulation Act.
716*	Change provisions relating to educational lands.
954*	Adopt the Hospice Licensure Act.
990**	Change the definition of "aggravating circumstances" in homicide cases.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1152	Change the sanctions for use of anabolic steroids in schools.
1161*	Provide for meetings of risk management pools to be held by videoconferencing.
1172*	Change and eliminate provisions relating to elections.
1180	Require insurance companies to pay for certain lengths of hospital stays following child delivery.
1188*	Adopt the Nonprofit Hospital Sale Act.
1188A	Appropriation Bill.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1210*	Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1278*	Change provisions relating to prescriptions, the dispensing of drugs, and regulation of the pharmacy profession.
1286*	Provide for additional county court judges.
LR	
7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

DAVID I. MAURSTAD

LB	
116*	Credit a portion of the marriage license fee to the Domestic Violence and Sexual Assault Prevention Cash Fund.
195*	Change provisions for elections and terms of village board members.
253*	Provide for a bonded certificate of title and distinguishing identification number plates.
253A*	Appropriation Bill.
425***	Create the Selective Enhancement for Economic Development Fund.
484*	Change reimbursement provisions relating to petroleum release remedial actions.
664	Provide for school bond state aid.
731*	Provide for voluntary self-evaluation and environmental audit reports.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
858	Require the filing of a community benefit report by certain hospitals.
901*	Change provisions relating to speed limits and automobile liability insurance.
920	Change provisions relating to speed limits.
921	Change provisions relating to transfer of homestead exemptions.
952*	Change provisions relating to vehicular pursuit damages and training.
963*	Change provisions relating to aggravating circumstances in applying the death penalty.
977	Change limits on maintenance expenditures for pioneer cemeteries.
978	Change and eliminate certain publication requirements for legal notices.
979	Change provisions for public works contracts and bids for cities and villages.
980	Authorize special assessments by cities or villages for unpaid charges for electrical energy.
986*	Change provisions relating to military service credit and retirement fund rollovers.
1009*	Change provisions relating to postconviction proceedings.
1013*	Provide for a waiver of certain standards relating to elevators.
1023*	Provide for mediation for disputes under the Special Education Act.
1039*	Change provisions relating to property taxation.
1082*	Provide for payments in lieu of taxes for housing authorities created under Indian law.

1098* Change valuation provisions for agricultural and horticultural land.
1102* Require the sale of certain educational lands.
1103* Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104* Change weight load and length provisions for agricultural implements and combines being transported.
1125* Change secure confinement facility location provisions relating to juveniles.
1127* Change provisions relating to obtaining an instream water appropriation.
1145* Change provisions for state aid and special education payments.
1162 Change provisions for the composition of the board of health for second class cities and villages.
1172* Change and eliminate provisions relating to elections.
1173* Authorize a lodging tax to fund civic centers in first class cities.
1210* Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1246 Allow an adjustment to income tax for the amount of health insurance payments by self-employed individuals.
1252* Change provisions for administration of the state employees insurance program and the State Employees Insurance Fund.
1276* Adopt the Museum Property Act.
1279* Provide for science laboratory safety in schools.
1351* Adopt the Ambulance District Act.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
46CA* Constitutional amendment to allow the Legislature to provide for a county to adopt by majority vote a county administrator form of government.
52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
288CA* Constitutional amendment to specify the sources of payment for bonds issued by cities for redeveloping blighted property.
292CA* Constitutional amendment to authorize merger or consolidation of local governments and change provisions relating to property taxation.
310CA* Constitutional amendment to require the Legislature to permit merger of local governments.

JANIS MCKENZIE

LB	
139*	Exempt personal property other than motor vehicles from taxation.
168*	Change notice provisions for public hearings on administrative rules and regulations.
211*	Change provisions for distribution of funds from the Ethanol Production Incentive Cash Fund.
229*	Eliminate fees for small capacity water wells.
289	Create the Biopower Steering Committee and provide for a study of use of biomass fuel for electricity production.
373*	Change provisions relating to the Rural Health Systems and Professional Incentive Act.
425***	Create the Selective Enhancement for Economic Development Fund.
492*	Define the practice and licensure requirements for medical nutrition therapy.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
642A*	Appropriation Bill.
733*	Eliminate a deadline for opting out of an educational service unit.
740	Change certification requirements for teachers.
741	Change provisions relating to equalization aid for option students.
789*	Provide that certain records relating to job applicants considered for employment by the state are not public matters.
818*	Adopt the Charter Schools Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
845*	Change provisions relating to audits for school districts.
870*	Provide funding for ethanol tax credits from the General Fund.
1014*	Change and eliminate provisions relating to schools, education, penalties and school districts.
1015*	Define and redefine terms relating to schools.
1016*	Rename the Nebraska School for the Visually Handicapped.
1022	Change licensing requirements for child care programs.
1023*	Provide for mediation for disputes under the Special Education Act.
1098*	Change valuation provisions for agricultural and horticultural land.
1111	Change provisions for compensation for members of the county planning commission.
1112*	Change provisions for transportation relating to schools.

1127* Change provisions relating to obtaining an instream water appropriation.
1131* Change provisions for regulation of natural gas transportation systems.
1183* Require an informed consent for certain employees exposed to environmental health hazards.
1192* Appropriate funds to the Department of Education to provide state aid to schools.
1206* Adopt the Sexual Predator Act.
1208* Change provisions relating to registration of bee colonies.
1226* Change provisions relating to environmental protection.
1284* Provide for a tax credit for the purchase of flow meters used for agricultural irrigation purposes.
1335 Change and eliminate provisions regarding school bond elections and other special elections.
1336* Change provisions relating to grain.
1371* Change provisions for school districts to enter into contracts for technology enhancements.
1372* Change provisions relating to annexation and Class III school districts.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

DWITE A. PEDERSEN

LB

130* Change retirement benefit provisions for school employees.
273* Change and eliminate provisions for transfers of juveniles between courts.
388* Provide a surcharge on certain defendants.
575 Change provisions relating to planning boards for metropolitan class cities.
643* Change provisions relating to school, learner's, and farm permits.
645* Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
723 Change the method for determination of the employee contribution under the school employees retirement plan.
766* Change provisions relating to driving under the influence and "zero tolerance."
842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
939* Change provisions relating to administrative license revocation and driving under the influence.
947* Change provisions for operating a motor vehicle or a vessel to avoid arrest.

950* Provide for braille instruction for visually handicapped children.
976 Provide certain duties for the Director of Correctional Services with respect to the death penalty.
1013* Provide for a waiver of certain standards relating to elevators.
1039* Change provisions relating to property taxation.
1118* Eliminate a restriction on an additional amount of service surcharge for 911 service.
1125* Change secure confinement facility location provisions relating to juveniles.
1134* Change provisions relating to minors in possession of alcohol.
1145* Change provisions for state aid and special education payments.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1170* Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1206* Adopt the Sexual Predator Act.
1207* Limit nuisance actions relating to noise created by sport shooting ranges.
1219 Require convicted offenders to be charged the overtime pay for law enforcement officers.
1220 Create the offense of unlawful possession of a firearm on public grounds.
1232* Change provisions relating to the schedule of controlled substances.
1236* Adopt the Commission for the Blind Act.
1285 Provide restrictions on the sale of a mobile home park.
1291 Change a penalty for operation and parking of unregistered motor vehicles.
1350* Change provisions for tobacco licenses and tobacco products and minors.
1354* Prohibit cities from collecting motor vehicle and wheel taxes from persons outside its corporate boundary.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1380* Change provisions relating to abortion.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
43CA* Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
287CA* Constitutional amendment to change requirements for granting paroles.

CAROL MCBRIDE PIRSCH

LB	
388*	Provide a surcharge on certain defendants.
415	Adopt the Credit Union Act.
425***	Create the Selective Enhancement for Economic Development Fund.
642A*	Appropriation Bill.
645*	Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
659	Redefine "health clinic."
661*	Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.
766*	Change provisions relating to driving under the influence and "zero tolerance."
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
948	Adopt the Credit Union Act.
951	Change a sales tax exemption relating to molds, dies, and patterns.
963*	Change provisions relating to aggravating circumstances in applying the death penalty.
991*	Clarify conditions under which grandparent visitation may be sought.
992*	Provide for retainage from payments relating to public contracts.
1009*	Change provisions relating to postconviction proceedings.
1034	Provide for a parole supervision fee to be paid by parolees.
1090*	Eliminate a requirement that an applicant for a liquor license submit a membership list.
1143*	Provide reduction of General Fund appropriations.
1145*	Change provisions for state aid and special education payments.
1148*	Change provisions for driving under the influence of alcohol.
1169*	Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1182*	Change provisions relating to criminal law, criminal procedure, and incarceration.
1188*	Adopt the Nonprofit Hospital Sale Act.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.

1213* Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.
1213A Appropriation Bill.
1228* Change provisions relating to forfeiture of assets under the Uniform Controlled Substances Act.
1254 Provide for fiduciary liability insurance for the secretary of the board of education in Class V school districts.
1267* Authorize a certification program for women-owned businesses.
1287* Change provisions for publication and distribution of proposed constitutional amendments.
1310 Change provisions for the creation of joint housing authorities.
1311 Eliminate provisions providing treasurers in metropolitan class cities serve as ex officio treasurer of school districts within such cities.
1317* Change the timeframe for commencement of a trial on an action for possession under the Landlord and Tenant Act.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1348* Limit liability for damages in actions relating to job references.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.
1380* Change provisions relating to abortion.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
287CA* Constitutional amendment to change requirements for granting paroles.
302CA* Constitutional amendment to change publishing requirements for proposed constitutional amendments.

DONALD G. PREISTER

LB

103*** Change provisions for acquisition, cleanup costs and ownership requirements of radioactive waste sites and materials.
121* Prohibit smoking in state buildings and vehicles.
150* Lower the prohibited concentration of alcohol for DWI conviction.

166* Provide for certain county offices to be filled on a nonpartisan basis.
298* Redefine "household income" relating to homestead exemption.
304* Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
340* Provide for litter removal programs administered by the Game and Parks Commission.
388* Provide a surcharge on certain defendants.
619* Redefine the practice of optometry and provide a process for approval of surgical procedures.
642A* Appropriation Bill.
645* Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
750* Provide for craft brewery licenses.
781* Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
1013* Provide for a waiver of certain standards relating to elevators.
1039* Change provisions relating to property taxation.
1042* Provide an increase in the minimum wage rate.
1060* Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
1129* Change weekly benefit provisions under the Employment Security Act.
1130* Change weekly benefit provisions under the Employment Security Act.
1145* Change provisions for state aid and special education payments.
1150* Change provisions for rating systems for automobile liability policies.
1151* Prohibit automated dispensing of tobacco products.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1186* Change powers and duties relating to enterprise zone associations.
1206* Adopt the Sexual Predator Act.
1226* Change provisions relating to environmental protection.
1253* Change provisions relating to county land reutilization authorities and commissions.
1341* Change provisions relating to operation and parking of unregistered motor vehicles.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.
1377* Require county wide elections for certain construction projects and site acquisition.

1381* Change a provisions relating to valuation of agricultural and horticultural land.

LR

293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.

JENNIE ROBAK

LB

132* Provide penalties for speeding, failure to yield, and passing in a school crossing zone.

149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.

170* Eliminate provisions for a common levy for Class VI school systems.

191 Authorize delinquency charges on payments in default for revolving charge agreements.

246* Change enforcement and penalty provisions for motorcycle helmets.

284 Prohibit passengers in the cargo area or on the tailgate of certain vehicles.

349* Change provisions of the Tax Equity and Educational Opportunities Support Act.

383* Authorize the purchases of vehicles and equipment for the intercity bus systems.

425*** Create the Selective Enhancement for Economic Development Fund.

590* Provide for public libraries and public library federations.

642A* Appropriation Bill.

661* Change provisions relating to shoplifting and prohibit certain acts relating to antitheft devices.

747 Provide rights for persons with chronic mental illness and developmental and physical disabilities.

845* Change provisions relating to audits for school districts.

870* Provide funding for ethanol tax credits from the General Fund.

915* Change provisions relating to lotteries and gambling.

916 Require flashing amber lights on vehicles operated by private couriers.

917 Provide for service dogs for physically disabled persons.

918 Require insurance coverage for certain mental illnesses.

919 Increase criminal penalties and establish civil actions for race, religion, or other protected classifications.

1013* Provide for a waiver of certain standards relating to elevators.

1039* Change provisions relating to property taxation.

1044*** Adopt the Nebraska Partnership for Health and Human Services Act.

1071*	Require insurance companies to pay for minimal hospitalization following child delivery.
1077*	Change provisions for forfeitures, reemployed employees, retirement fund rollovers and breaks in service.
1079	Provide rights for persons with chronic mental illness and developmental and physical disabilities.
1080*	Change provisions for health insurance coverage for diagnosis and treatment of infertility.
1081	Provide for changes in rules and regulations relating to medical assistance.
1088*	Provide for craft brewery licenses.
1127*	Change provisions relating to obtaining an instream water appropriation.
1132	Change provisions relating to admissions to the regional center.
1156*	Change and eliminate provisions for the Director of Medical Services and Division of Medical Services of the Department of Public Institutions.
1166	Modify federal adjusted gross income for state income tax purposes.
1170*	Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1173*	Authorize a lodging tax to fund civic centers in first class cities.
1206*	Adopt the Sexual Predator Act.
1211*	Change provisions for the issuance of parking permits for handicapped or disabled persons.
1211A	Appropriation Bill.
1213*	Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.
1256	Increase the adjusted supplemental retirement benefits for retired school employees.
1257	State intent regarding mental health services.
1286*	Provide for additional county court judges.
1318*	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1344	Provide that persons who leave home voluntarily are no longer minors.
1345	Change provisions of the Nebraska County and City Lottery Act.
1347*	Adopt the Right to Carry a Concealed Handgun License Act.
1350*	Change provisions for tobacco licenses and tobacco products and minors.
1372*	Change provisions relating to annexation and Class III school districts.
1378*	Change provisions for temporary custody and detention or placement of certain juveniles.

LR

43CA* Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.

287CA* Constitutional amendment to change requirements for granting paroles.

343* Request the Attorney General initiate action relating to noncertificated school employees and membership into the school employees retirement system.

C. N. "BUD" ROBINSON

LB

121* Prohibit smoking in state buildings and vehicles.

157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.

166* Provide for certain county offices to be filled on a nonpartisan basis.

206* Change licensure requirements for certain emergency medical service personnel.

328* Permit certain nonprofit organizations to apply for a license to sell pickle cards.

425*** Create the Selective Enhancement for Economic Development Fund.

511* Prohibit campaign contributions during legislative sessions.

568* Provide for development and use of a state comprehensive capital facilities plan.

590* Provide for public libraries and public library federations.

628* Appropriate funds to the Coordinating Commission for Postsecondary Education.

733* Eliminate a deadline for opting out of an educational service unit.

789* Provide that certain records relating to job applicants considered for employment by the state are not public matters.

820* Change provisions relating to oaths of office.

842* Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.

845* Change provisions relating to audits for school districts.

859* Change and eliminate a duty for school districts to provide certain information relating to abortion.

870* Provide funding for ethanol tax credits from the General Fund.

927* Adopt the Athlete Agent Registration and Accountability Act.

992* Provide for retainage from payments relating to public contracts.

1009* Change provisions relating to postconviction proceedings.

1044*** Adopt the Nebraska Partnership for Health and Human Services Act.

1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1133* Prohibit candidates and officeholders from filing for or holding more than one office.
1139* Extend the tuition program to independent colleges and universities for members of the Nebraska National Guard.
1151* Prohibit automated dispensing of tobacco products.
1157 Adopt the Uniform Code for Building Conservation by reference.
1170* Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
1172* Change and eliminate provisions relating to elections.
1200* Change membership requirements for governing boards of educational service units.
1248* Create the Local Government Catastrophic Financial Emergency Fund.
1249* Provide for a stipulation for advance jury selection.
1263* Change reporting requirements under the Political Accountability and Disclosure Act.
1300 Provide for denial or limitation of certain requests by utilities under the Municipal Natural Gas Regulation Act.
1303 Change provisions for salary and work load for veterans service officers.
1313 Change requirements for voter approval of school district bonds.
1354* Prohibit cities from collecting motor vehicle and wheel taxes from persons outside its corporate boundary.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.
297* State legislative intent regarding property taxes.

STAN SCHELLPEPER

LB

44* Provide waiver of coverage relating to workers' compensation.
45 Exempt personal property other than motor vehicles from property taxation.

81*	Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
106*	Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
206*	Change licensure requirements for certain emergency medical service personnel.
246*	Change enforcement and penalty provisions for motorcycle helmets.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
267*	Exempt personal property of certain cooperatives and nonprofit corporations from taxation.
316	Authorize use of federal funds for electricity suppliers in rural areas.
345*	Change the manner of calculating in lieu of tax payments to be made by the Game and Parks Commission.
357*	Provide a reporting system for entities involved in farm and ranch operations.
375	Provide procedures for drawing legislative and congressional district boundaries.
484*	Change reimbursement provisions relating to petroleum release remedial actions.
533*	Change provisions relating to taxation of motor vehicles.
590*	Provide for public libraries and public library federations.
630*	State legislative intent relating to the funding of public education.
637*	Create the Emergency Medical Services Providers Fund.
642*	Provide duties for six month case reviews by the Foster Care Review Board.
678*	Change provisions relating to unlawful possession of a firearm on school grounds.
767*	Change provisions relating to simulcast licenses for horseracing.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
1025	Provide for a sales tax on food.
1026*	Change provisions relating to vehicle length limits.
1027	Change provisions relating to flashing or rotating lights on certain motor vehicles.
1085*	Change provisions relating to political subdivision structure, operations, and funding.
1098*	Change valuation provisions for agricultural and horticultural land.
1102*	Require the sale of certain educational lands.
1103*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.

1104* Change weight load and length provisions for agricultural implements and combines being transported.
1106* Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.
1127* Change provisions relating to obtaining an instream water appropriation.
1181* Change provisions relating to farm wineries.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1210* Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1222* Require state funding of 4-H and FFA programs at the Nebraska State Fair.
1278* Change provisions relating to prescriptions, the dispensing of drugs, and regulation of the pharmacy profession.
1297 Prohibit the sale, serving, or furnishing of alcoholic beverages to a visibly intoxicated person.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1373* Create the Review Incentives Program Committee.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
43CA* Constitutional amendment to permit the Legislature to authorize electronic, video, or mechanical lottery devices.
297* State legislative intent regarding property taxes.
311CA* Constitutional amendment to restrict the use of property tax funds by school districts and educational service units.

DiANNA R. SCHIMEK

LB

46 Change restrictions on public officials and employees under the Nebraska Political Accountability and Disclosure Act.
47 Change provisions for entrance into the beginner grade in school.
212* Change provisions for consolidation of counties and county offices and the joint exercise of powers.
277** Adopt the New Jobs Training Act and provide for an income tax credit.
333 Change provisions relating to accountants.
333A Appropriation Bill.
336 Change provisions for the central register of child protection cases.
364* Change petition and election procedures under the Local Option Tax Control Act.

460	Change provisions relating to mammography screening and diagnostic procedures.
460A	Appropriation Bill.
511*	Prohibit campaign contributions during legislative sessions.
532*	Require treatment of obstetricians/gynecologists as primary care physicians for insurance purposes.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
612*	Create the rehabilitation advisory council to the Department of Public Institutions.
694*	Adopt the Design Professions Regulation Act.
717	Adopt the Municipal Purpose Act.
750*	Provide for craft brewery licenses.
781*	Change subsidization filing requirements under the Municipal Natural Gas Regulation Act.
825	Change provisions relating to appeals for a certificate of need.
924*	Provide a separate date for the presidential primary election.
925*	Provide an exception from employment security laws for AmeriCorp participants.
940	Change provisions for hospital clinical privileges and staff membership for psychologists.
946	Prohibit the use of screening material on license plates.
950*	Provide for braille instruction for visually handicapped children.
954*	Adopt the Hospice Licensure Act.
964*	Provide for special elections in political subdivisions to be conducted by mail.
968	Change requirements relating to statements by lobbyists and principals.
970*	Provide inspections for child care programs, inspection fees and civil penalties.
1001*	Change provisions relating to adoption filing requirements and out-of-home placements.
1005*	Exempt fraternity and sorority officers from provisions of employment security laws.
1039*	Change provisions relating to property taxation.
1042*	Provide an increase in the minimum wage rate.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1051*	Change provisions for municipally owned electric systems in primary class cities.
1058*	Transfer county assessors and their employees to state government.
1071*	Require insurance companies to pay for minimal hospitalization following child delivery.

1072* Change provisions relating to income tax withholding from unemployment compensation and appeals to district court.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1113* State intent relating to increasing hourly rates for personal care aides.
1133* Prohibit candidates and officeholders from filing for or holding more than one office.
1145* Change provisions for state aid and special education payments.
1160 Require claimants to record construction liens under the Nebraska Construction Lien Act.
1172* Change and eliminate provisions relating to elections.
1188* Adopt the Nonprofit Hospital Sale Act.
1206* Adopt the Sexual Predator Act.
1213* Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.
1221* Adopt the Charitable Solicitation Registration Act.
1247 Require a vote to authorize certain tax levy increases by fire protection districts.
1322* Adopt the Nebraska Affordable Housing Act and change provisions of the Nebraska Finance Authority Act.
1326 Authorize peer review committees for health clinics and health practitioner organizations and associations.
1363* Provide for a separate levy statement in municipal budgets and tax statements.
1365* Eliminate provisions for sanitary and improvement districts formed under the Act of 1947.

LR

17CA* Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
33CA* Constitutional amendment to provide that a member of the State Board of Education cannot be a member of a school board.
277CA Constitutional amendment to change the number of signatures and method of calculating the number for initiative and referendum measures.
278CA Constitutional amendment to require initiative measures to contain only one subject.

JERRY SCHMITT

LB

60 Change provisions relating to lifetime hunting and fishing license fees.
62 Appropriate funds for Nebraska State Patrol safety education/crime prevention officers.

63	Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.
88*	Exempt irrigation districts from the Nebraska Budget Act.
139*	Exempt personal property other than motor vehicles from taxation.
166*	Provide for certain county offices to be filled on a nonpartisan basis.
170*	Eliminate provisions for a common levy for Class VI school systems.
229*	Eliminate fees for small capacity water wells.
246*	Change enforcement and penalty provisions for motorcycle helmets.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
304*	Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
308*	Prohibit ticket quota requirements for law enforcement.
347*	Provide powers and duties for cities and villages relating to cable utility system ownership.
425***	Create the Selective Enhancement for Economic Development Fund.
426	Provide for a driver safety course as an alternative to a conviction for a traffic infraction.
587*	State intent for appropriations for developmental disabilities services.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
649*	Adopt the County Initiative and Referendum Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
947*	Change provisions for operating a motor vehicle or a vessel to avoid arrest.
964*	Provide for special elections in political subdivisions to be conducted by mail.
974	Change provisions for motor vehicle operators' licenses for members of the armed forces and their dependents.
975	Change requirements for salvage certificates of title for motor vehicles.
1055*	Provide for firearm proficiency for law enforcement officers and for access to information for purposes of handgun purchases.
1055A*	Appropriation Bill.
1098*	Change valuation provisions for agricultural and horticultural land.
1102*	Require the sale of certain educational lands.

1103* Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104* Change weight load and length provisions for agricultural implements and combines being transported.
1127* Change provisions relating to obtaining an instream water appropriation.
1148* Change provisions for driving under the influence of alcohol.
1174* Change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1193* Allow municipal governments to require fingerprinting of job applicants.
1206* Adopt the Sexual Predator Act.
1227* Provide a penalty for failure to obey or resisting a peace officer.
1287* Change provisions for publication and distribution of proposed constitutional amendments.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.
302CA* Constitutional amendment to change publishing requirements for proposed constitutional amendments.

EDWARD "ED" J. SCHROCK

LB

100* Provide an exemption from allotment limits for irrigation.
157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168* Change notice provisions for public hearings on administrative rules and regulations.
263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
425*** Create the Selective Enhancement for Economic Development Fund.
496* Adopt the Parkinson's Disease Registry Act.

604*	Change provisions relating to county treasurers and school affiliation.
619*	Redefine the practice of optometry and provide a process for approval of surgical procedures.
628*	Appropriate funds to the Coordinating Commission for Postsecondary Education.
630*	State legislative intent relating to the funding of public education.
766*	Change provisions relating to driving under the influence and "zero tolerance."
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
870*	Provide funding for ethanol tax credits from the General Fund.
1009*	Change provisions relating to postconviction proceedings.
1060*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
1060A	Appropriation Bill.
1082*	Provide for payments in lieu of taxes for housing authorities created under Indian law.
1098*	Change valuation provisions for agricultural and horticultural land.
1102*	Require the sale of certain educational lands.
1103*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104*	Change weight load and length provisions for agricultural implements and combines being transported.
1105*	Prohibit certain advertising practices relating to tobacco.
1106*	Eliminate the tax levy authority of community colleges and educational service units and provide a sales tax on food.
1113*	State intent relating to increasing hourly rates for personal care aides.
1127*	Change provisions relating to obtaining an instream water appropriation.
1174*	Change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions.
1175*	Authorize suspension of drivers' licenses for certain juveniles.
1182*	Change provisions relating to criminal law, criminal procedure, and incarceration.
1202*	Change and eliminate a provision for sewerage system funds for second class cities and villages.
1205*	Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206*	Adopt the Sexual Predator Act.
1208*	Change provisions relating to registration of bee colonies.

1379 Change provisions relating to controlled substances.
1380* Change provisions relating to abortion.
1383 Adopt the Outfitters and Professional Guides Licensing Act.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
17CA* Constitutional amendment to change the length of the legislative sessions to sixty-five days each year.
287CA* Constitutional amendment to change requirements for granting paroles.

ELAINE STUHR

LB

149* Adopt the Comprehensive Rehabilitation and Assistive Technology Act.
157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
229* Eliminate fees for small capacity water wells.
425*** Create the Selective Enhancement for Economic Development Fund.
630* State legislative intent relating to the funding of public education.
811* Provide for use of the Nebraska Right to Farm Act in court actions.
943* Eliminate a prohibition on inmates, parolees, and probationers being undercover agents.
954* Adopt the Hospice Licensure Act.
962 Authorize second class cities and villages to collect special assessments.
967* Change provisions relating to certain school board elections.
991* Clarify conditions under which grandparent visitation may be sought.
1013* Provide for a waiver of certain standards relating to elevators.
1023* Provide for mediation for disputes under the Special Education Act.
1039* Change provisions relating to property taxation.
1061* Appropriate funds for salaries for cooperative extension educators and assistants.
1071* Require insurance companies to pay for minimal hospitalization following child delivery.
1098* Change valuation provisions for agricultural and horticultural land.

1139* Extend the tuition program to independent colleges and universities for members of the Nebraska National Guard.
1159 Provide reimbursement for duties for city treasurers who serve as ex officio treasurers of airport authorities.
1173* Authorize a lodging tax to fund civic centers in first class cities.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206* Adopt the Sexual Predator Act.
1210* Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1286* Provide for additional county court judges.
1318* Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
299CA* Constitutional amendment to change the maximum age for receiving free instruction in schools.

FLOYD P. VRTISKA

LB

106* Exempt sales of feed, veterinary medicines, and agricultural chemicals used in caring for certain animal life from sales tax.
121* Prohibit smoking in state buildings and vehicles.
139* Exempt personal property other than motor vehicles from taxation.
150* Lower the prohibited concentration of alcohol for DWI conviction.
151* Provide for admission of a peace officer's sworn report at hearings for revocation of drivers' licenses.
157* Eliminate a fee relating to motor vehicle registration for failure to present the registration certificate.
168* Change notice provisions for public hearings on administrative rules and regulations.
195* Change provisions for elections and terms of village board members.
201* Change provisions for penalties, license suspension or revocation for driving under the influence.
206* Change licensure requirements for certain emergency medical service personnel.
256* Change provisions for maintenance costs of individuals determined to be mentally incompetent.

263* Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
292 Provide for imprest funds for counties.
298* Redefine "household income" relating to homestead exemption.
304* Prohibit use of information from public records for the purpose of selling or offering for sale any property or services.
410* Change provisions relating to citations issued to an owner or operator for failure to register a motor vehicle.
425*** Create the Selective Enhancement for Economic Development Fund.
440* Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
495* Provide for human services regions.
568* Provide for development and use of a state comprehensive capital facilities plan.
642* Provide duties for six month case reviews by the Foster Care Review Board.
642A* Appropriation Bill.
785 Change provisions relating to substitute teachers.
870* Provide funding for ethanol tax credits from the General Fund.
941* Permit insureds to reject uninsured and underinsured motor vehicle coverage.
949 Allow state chartered savings and loan associations equal powers as federal associations.
964* Provide for special elections in political subdivisions to be conducted by mail.
1006 Change provisions relating to 911 emergency telephone services.
1026* Change provisions relating to vehicle length limits.
1039* Change provisions relating to property taxation.
1061* Appropriate funds for salaries for cooperative extension educators and assistants.
1072* Change provisions relating to income tax withholding from unemployment compensation and appeals to district court.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1098* Change valuation provisions for agricultural and horticultural land.
1104* Change weight load and length provisions for agricultural implements and combines being transported.
1139* Extend the tuition program to independent colleges and universities for members of the Nebraska National Guard,
1202* Change and eliminate a provision for sewerage system funds for second class cities and villages.

1210*	Change provisions for loans and loan repayment under the Rural Health Systems and Professional Incentive Act.
1212	Change provisions relating to disqualification for benefits and the employer's experience account under the Employment Security Law.
1226*	Change provisions relating to environmental protection.
1227*	Provide a penalty for failure to obey or resisting a peace officer.
1230	Change notice requirements for cancellation or nonrenewal of an insurance policy issued under the Workers' Compensation Act.
1248*	Create the Local Government Catastrophic Financial Emergency Fund.
1248A	Appropriation Bill.
1298	Provide a duty for the Attorney General with respect to state boundary lines.
1318*	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
1375*	Prohibit and terminate contracts relating to access to public records and create a task force.

LR

7*	Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.

JEROME WARNER

LB

29**	Create the Student Loan Default Fee Revolving Fund.
33	Change the percentage amount of certain fees credited to the General Fund.
180	Provide requirements for contracts between a private entity and any state agency.
181	Change the prohibition date for land disposal of yard waste.
183	Authorize a tax exempt use of diesel fuel.
211*	Change provisions for distribution of funds from the Ethanol Production Incentive Cash Fund.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
298*	Redefine "household income" relating to homestead exemption.
298A	Appropriation Bill.
299	Provide, change, and eliminate spending limits on political subdivisions and publication requirements.
543*	Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
608	Change a voting requirement for the city council in cities of the primary class in planning issues.

642*	Provide duties for six month case reviews by the Foster Care Review Board.
642A*	Appropriation Bill.
693	Create the Nebraska Commission on Local Government Innovation and Restructuring and change property tax levy provisions.
694*	Adopt the Design Professions Regulation Act.
694A	Appropriation Bill.
744	Provide for sales and use taxation of certain services.
745	Provide for a sales tax on food.
790	Create the School Aid Fund.
792	Change a provision relating to property tax exemptions.
886***	Change provisions relating to the Equal Opportunity Commission.
993*	Create district attorney and district public defender offices and districts.
994*	Change provisions for clerks and employees of district courts.
995*	Eliminate police authority from cities and villages.
996*	Provide first and second class cities, villages and certain counties, maintain jails under the Interlocal Cooperation Act.
997*	Require state payment of costs for prisoners in jails who violate state law.
1037A	Appropriation Bill.
1039A	Appropriation Bill.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1059*	Eliminate certain health and human services regions, boards and agencies.
1061*	Appropriate funds for salaries for cooperative extension educators and assistants.
1062*	Provide for a limit on the tax levy authority of certain political subdivisions.
1085*	Change provisions relating to political subdivision structure, operations, and funding.
1085A*	Appropriation Bill.
1095*	Change and eliminate tax levy limitations and authority for townships.
1114*	Change and provide limits on property tax levies for governmental subdivisions.
1115*	Provide for governmental budget limits.
1121	Change provisions relating to the fuel tax.
1122	Change provisions for applying for tax exemptions.
1124*	Establish a limitation on state General Fund appropriations and receipts from property tax and create the Legislative Tax Relief Fund.
1176	Eliminate provisions for valuation and taxation of motor vehicles and provide fees on motor vehicles.

1177 Create the Municipal Equalization Fund and provide state aid to municipalities and provide for interlocal agreements for public safety services.

1192* Appropriate funds to the Department of Education to provide state aid to schools.

1217* Require the Department of Revenue to estimate LB 775 sales tax refunds.

1261 Authorize local governments to levy payments in lieu of taxes for certain tax exempt property.

1262 Provide tax on possessory interests in real property, improvements, and personal property of the state.

1290** Change provisions for transfers to the Cash Reserve Fund and revenue forecasts.

1315* Eliminate the Nebraska Ethanol Board and the Agricultural Alcohol Fuel Tax Fund.

1325 Eliminate collection fees for property tax and homestead reimbursement revenue.

1327* Provide an increase in the cigarette tax for the General Fund.

1328* Provide an increase in the tax on liquor.

1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

1373* Create the Review Incentives Program Committee.

1373A Appropriation Bill.

1390** Adopt the Local Control Taxpayer Relief Act.

LR

30CA* Constitutional amendment to provide property of the state and its governmental subdivisions is exempt from taxation if used for public purposes.

52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.

284CA* Constitutional amendment to limit tax increases and state and local government spending.

285CA* Constitutional amendment to prohibit tax levy based on property.

286CA* Constitutional amendment to require standards for local governmental services and establish property tax limits.

294CA Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

295CA Constitutional amendment to change the number of signatures needed and method of calculating for initiative and referendum measures.

297* State legislative intent regarding property taxes.

299CA* Constitutional amendment to change the maximum age for receiving free instruction in schools.

300CA Constitutional amendment to provide for payments in lieu of taxes for certain tax exempt real and personal property.

ROGER R. WEHRBEIN

LB

29A Appropriation Bill.

150* Lower the prohibited concentration of alcohol for DWI conviction.

168* Change notice provisions for public hearings on administrative rules and regulations.

198* Change limited owner or lessee hunting permits and limitation.

281 Appropriate funds for state government expenses.

295A Appropriation Bill.

367* Provide a cause of action for disparagement of a perishable agricultural food product or commodity.

558 Require mobile home park owners to provide a storm shelter.

568* Provide for development and use of a state comprehensive capital facilities plan.

604* Change provisions relating to county treasurers and school affiliation.

642* Provide duties for six month case reviews by the Foster Care Review Board.

719 Change the boundary line between Missouri and Nebraska.

720 Authorize the construction of a medium-minimum security adult correctional facility.

721 Change provisions relating to judges' salaries.

722 Delete obsolete provisions relating to the Cash Reserve Fund.

811* Provide for use of the Nebraska Right to Farm Act in court actions.

855* Provide duties for state agencies and political subdivisions relating to protection of the environment.

1013* Provide for a waiver of certain standards relating to elevators.

1044*** Adopt the Nebraska Partnership for Health and Human Services Act.

1061* Appropriate funds for salaries for cooperative extension educators and assistants.

1094 Change provisions relating to supervision by an architect or engineer relating to public works construction.

1103* Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.

1138A Appropriation Bill.

1181* Change provisions relating to farm wineries.

1190*** Adopt the Information Technology Infrastructure Act and change distribution of cigarette tax proceeds.

1192* Appropriate funds to the Department of Education to provide state aid to schools.
1217* Require the Department of Revenue to estimate LB 775 sales tax refunds.
1252* Change provisions for administration of the state employees insurance program and the State Employees Insurance Fund.
1264* Provide for Nebraska Cornhusker Spirit Plates.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
313 Approve gift of land from the Nebraska Game and Parks Foundation to the Game and Parks Commission.
343* Request the Attorney General initiate action relating to noncertificated school employees and membership into the school employees retirement system.

DON WESELY

LB

174 Change provisions for membership on the State Board of Health.
174A Appropriation Bill.
405 Change provisions for the education, training, and testing of persons operating x-ray systems.
405A Appropriation Bill.
422 Change provisions for working hours for children under sixteen.
425*** Create the Selective Enhancement for Economic Development Fund.
440* Provide for reimbursement to counties for medical assistance program costs and general assistance program costs.
496A Appropriation Bill.
543* Change provisions relating to tiers under the Tax Equity and Educational Opportunities Support Act.
607 Change provisions for due process hearings for terminated school employees.
635 Adopt the Nebraska Health Resource Commission Act.
635A Appropriation Bill.
637* Create the Emergency Medical Services Providers Fund.
645* Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
650 Appropriate funds for exhibit renovation at Morrill Hall at the University of Nebraska-Lincoln.

703**	Change provisions relating to preadmission screenings of nursing facility applicants by the Department on Aging.
777	Change and provide duties for the Department of Social Services and law enforcement agencies relating to child abuse and neglect investigations.
778*	Provide duties for the Department of Public Institutions, Department of Social Services, mental health centers and the State Patrol regarding handgun certificates.
793	Adopt the Foreign and Domestic Trade Assistance Act.
796	Adopt the Affordable Housing Trust Fund Act.
836	Adopt the Employee Retirement Income Security Act (ERISA) Reform Act.
838	Adopt the Health Care Purchasing Pool Act.
839	Adopt the Nebraska Health Care Efficiency and Improvement Act.
842*	Provide assistance for child abuse and neglect cases by the Nebraska State Patrol.
960	Provide mental health records be made available to the State Patrol relating to handgun certificates.
961	Change provisions regarding health clinics.
1001*	Change provisions relating to adoption filing requirements and out-of-home placements.
1021**	Eliminate provisions relating to resentencing by the court under the Convicted Sex Offender Act.
1039*	Change provisions relating to property taxation.
1042*	Provide an increase in the minimum wage rate.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1044A*	Appropriation Bill.
1049	Authorize modifications of the accounting structure for certain agencies to conform with legislation creating a unified health services delivery system.
1051*	Change provisions for municipally owned electric systems in primary class cities.
1055*	Provide for firearm proficiency for law enforcement officers and for access to information for purposes of handgun purchases.
1055A*	Appropriation Bill.
1078	Authorize managed care for long-term care services provided under the medical assistance program.
1113*	State intent relating to increasing hourly rates for personal care aides.
1129*	Change weekly benefit provisions under the Employment Security Act.
1130*	Change weekly benefit provisions under the Employment Security Act.
1145*	Change provisions for state aid and special education payments.
1155A	Appropriation Bill.

1188* Adopt the Nonprofit Hospital Sale Act.
1195 Provide duties for the Office of Dispute Resolution relating to the juvenile justice system.
1196 Change provisions relating to corporate income tax rates.
1204* Provide for collection of property tax on exempt property at the time of sale or transfer.
1206* Adopt the Sexual Predator Act.
1234 State intent relating to school district reorganization.
1235 Change provisions relating to local health departments and provide for interlocal health departments.
1266 Authorize certain health insurance benefits for temporary state employees.
1322* Adopt the Nebraska Affordable Housing Act and change provisions of the Nebraska Finance Authority Act.
1322A Appropriation Bill.
1323 Change the number of employees an agency may exempt from the State Personnel System.
1327* Provide an increase in the cigarette tax for the General Fund.
1328* Provide an increase in the tax on liquor.
1337* Change provisions for school district boundary changes.
1373* Create the Review Incentives Program Committee.

LR

52* Disassociate the State of Nebraska from activities of individuals engaged in the publication of Nazi or neo-Nazi propaganda.
297* State legislative intent regarding property taxes.

BOB WICKERSHAM

LB

43 Add, change, and eliminate provisions relating to civil defense.
44* Provide waiver of coverage relating to workers' compensation.
67 Change the powers and duties of the Attorney General.
81* Provide for revocation of licenses and permits, and suspension of privileges to hunt, fish, and harvest fur.
100* Provide an exemption from allotment limits for irrigation.
130* Change retirement benefit provisions for school employees.
130A Appropriation Bill.
170* Eliminate provisions for a common levy for Class VI school systems.
212* Change provisions for consolidation of counties and county offices and the joint exercise of powers.
229* Eliminate fees for small capacity water wells.
246* Change enforcement and penalty provisions for motorcycle helmets.

258*	Provide powers and duties for the Game and Parks Commission relating to railroad rights-of-way and recreational trails.
263*	Provide a percentage of state lottery funds be transferred to the Building Renewal Allocation Fund.
370	Change provisions for membership, termination benefits, and retirement eligibility age for state and county employees.
378	Change provisions for employee contributions under the state employees retirement plan.
425***	Create the Selective Enhancement for Economic Development Fund.
525*	Change the membership of the Nebraska Retirement Systems Committee.
528	Change provisions relating to duties of the Nebraska Investment Council and the Public Employees Retirement Board.
604*	Change provisions relating to county treasurers and school affiliation.
637*	Create the Emergency Medical Services Providers Fund.
674*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
675	Change and eliminate appeal procedures relating to valuation.
676	Establish the Retirement Incentive Plan and Staff Development Assistance for certain reorganized school districts.
700	Provide for maintaining the purchasing power of retirement benefits.
700A	Appropriation Bill.
701	Increase the retirement system contribution rate for members of the State Patrol.
701A	Appropriation Bill.
702	Change provisions relating to contributions for members of the judge's retirement system.
716*	Change provisions relating to educational lands.
811*	Provide for use of the Nebraska Right to Farm Act in court actions.
844*	Create the Employees of Elected Constitutional Offices Supplemental Retirement Act.
847**	Change provisions relating to retirement systems and investment of state funds.
847A	Appropriation Bill.
870*	Provide funding for ethanol tax credits from the General Fund.
934	Eliminate the Agricultural Land Valuation Advisory Board.

971	Change the amount of tax and wage benefit credits available under the Quality Jobs Act.
981	Change provisions relating to Emergency Medical Technician-Intermediate Service Program certification.
982	Provide for creation of a state veteran cemetery system.
983	Change provisions relating to violation of custody.
984	Change provisions relating to references to the Internal Revenue Code.
985	Change computer network funding for school districts from grants to loans.
1029*	Change provisions relating to distribution of state aid to schools.
1030*	Change provisions relating to allocation of income tax receipts for state aid to schools.
1056	Authorize transfer of clerk of the district court operations to the state.
1071*	Require insurance companies to pay for minimal hospitalization following child delivery.
1076A	Appropriation Bill.
1077*	Change provisions for forfeitures, reemployed employees, retirement fund rollovers and breaks in service.
1085*	Change provisions relating to political subdivision structure, operations, and funding.
1086	Change provisions relating to fire, lightning, wind, tornado, or hail insurance.
1087	Change a timeframe for filing a refund claim on illegal taxes paid.
1091*	Change provisions relating to "other receipts" under the Tax Equity and Educational Opportunities Support Act.
1099*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
1103*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
1104*	Change weight load and length provisions for agricultural implements and combines being transported.
1127*	Change provisions relating to obtaining an instream water appropriation.
1146	Require notice when an insurer discontinues or reduces an insurance line.
1147	Change and eliminate conflict of interest provisions under the Political Accountability and Disclosure Act.
1161*	Provide for meetings of risk management pools to be held by videoconferencing.
1174*	Change brand inspection area, brand inspection and livestock transportation requirements, and trespassing animal provisions.
1175*	Authorize suspension of drivers' licenses for certain juveniles.

1188* Adopt the Nonprofit Hospital Sale Act.
1204* Provide for collection of property tax on exempt property at the time of sale or transfer.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1251* Authorize voluntary contributions to police pension or retirement plans.
1273A Appropriation Bill.
1286* Provide for additional county court judges.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1373* Create the Review Incentives Program Committee.

LR

7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
297* State legislative intent regarding property taxes.
343* Request the Attorney General initiate action relating to noncertificated school employees and membership into the school employees retirement system.

ERIC J. WILL

LB

216* Prohibit certain actions by employers based on use of lawful products by employees.
217* Change the hours to sell or dispense alcoholic liquor.
218* Authorize contracts for operation and management services for horseracing.
219* Change provisions relating to driver's license reinstatement fees.
224* Eliminate the Nebraska Health Care Certificate of Need Act.
225* Authorize the issuance of an employment driving permit during a period of administrative revocation.
246* Change enforcement and penalty provisions for motorcycle helmets.
278* Provide an income tax credit for certain educational expenses.
279* Change the tax offset provisions under the Comprehensive Health Insurance Pool Act.
361 Provide a rebuttable presumption for firefighters concerning death or disability as a result of cancer.
362 Provide an income tax deduction for certain educational expenses.
414* Change provisions relating to nurse practitioners.
414A* Appropriation Bill.
446* Change provisions relating to the Board of Parole.
504 Redefine "occupational disease" to include cumulative trauma relating to workers' compensation.

588* Authorize a civil action for damages resulting from a misrepresentation of age by a minor.
590* Provide for public libraries and public library federations.
662 Change provisions relating to commencement of certain product liability actions.
687 Change and eliminate taxation provisions relating to bingo and other gambling.
688 Authorize the use of electronic pickle card dispensing devices.
711* Require insurance coverage of certain infertility procedures and treatment.
817* Eliminate restrictions on types of corporations and associations which may be licensed relating to horseracing.
910* Limit retail sales of alcoholic liquor by brewpub licensees.
927* Adopt the Athlete Agent Registration and Accountability Act.
950* Provide for braille instruction for visually handicapped children.
953* Change provisions relating to county identification numbers on license plates.
1012 Adopt the Nebraska Athlete Agent Registration Act.
1013* Provide for a waiver of certain standards relating to elevators.
1042* Provide an increase in the minimum wage rate.
1045 Change provisions for issuance of liquor licenses.
1080* Change provisions for health insurance coverage for diagnosis and treatment of infertility.
1082* Provide for payments in lieu of taxes for housing authorities created under Indian law.
1085* Change provisions relating to political subdivision structure, operations, and funding.
1114* Change and provide limits on property tax levies for governmental subdivisions.
1126 Include newspaper carriers as employees for purposes of workers' compensation.
1129* Change weekly benefit provisions under the Employment Security Act.
1130* Change weekly benefit provisions under the Employment Security Act.
1145* Change provisions for state aid and special education payments.
1150* Change provisions for rating systems for automobile liability policies.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1179* Redefine "underground facility" under the One-Call Notification System Act.

1206* Adopt the Sexual Predator Act.
1250** Change calculations relating to income tax rates.
1277 Change provisions relating to pickle cards.
1281 Change provisions relating to bingo and other gambling.
1357* Change provisions for numbers assigned to counties relating to motor vehicle registration.
1358* Provide for alpha-numeric license plate numbering.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1373* Create the Review Incentives Program Committee.

LR

45CA Constitutional amendment to provide the Legislature may authorize any game of chance, lottery, or gift enterprise.
47CA*** Constitutional amendment to provide for appointment of the members of the State Board of Education and Commissioner of Education by the Governor.
297* State legislative intent regarding property taxes.
301CA Constitutional amendment to allow the Legislature to regulate wagering on sporting events.

KATE WITEK

LB

627 Provide the Department of Banking study and make recommendations for an electronic benefit system.
645* Provide for registration of sex offenders and change and eliminate provisions relating to sexual offenders and convicted sex offenders.
645A* Appropriation Bill.
727 Change the definition of murder in the second degree.
911* Create the offense of unauthorized entry into a propelled vehicle.
944 State intent relating to education and define "quality education."
945 Provide leased motor vehicles are exempt from property tax.
947* Change provisions for operating a motor vehicle or a vessel to avoid arrest.
955 Reduce the contributions made to the state and county retirement plans.
963* Change provisions relating to aggravating circumstances in applying the death penalty.
991* Clarify conditions under which grandparent visitation may be sought.
1009* Change provisions relating to postconviction proceedings.
1039* Change provisions relating to property taxation.
1043 Change provisions relating to crimes and offenses.
1089* Redefine the term "use" relating to sales and use taxes.
1109 Change provisions for control of funds relating to public libraries.

1118* Eliminate a restriction on an additional amount of service surcharge for 911 service.
1143* Provide reduction of General Fund appropriations.
1148* Change provisions for driving under the influence of alcohol.
1169* Provide for an Institute of Information Science, Technology, and Engineering at the University of Nebraska at Omaha.
1182* Change provisions relating to criminal law, criminal procedure, and incarceration.
1205* Require the Board of Educational Lands and Funds to develop a plan for the sale of educational lands.
1206* Adopt the Sexual Predator Act.
1213* Provide for payment of forensic medical examinations for sexual assault victims an change the controlled substances schedule.
1236* Adopt the Commission for the Blind Act.
1267* Authorize a certification program for women-owned businesses.
1287* Change provisions for publication and distribution of proposed constitutional amendments.
1347* Adopt the Right to Carry a Concealed Handgun License Act.
1368* Change provisions for the wage benefit credit under the Quality Jobs Act.
1375* Prohibit and terminate contracts relating to access to public records and create a task force.

LR

6CA* Constitutional amendment to change the number of signatures required on initiative and referendum petitions and provide for a system for paid petition circulators.
7* Provide the State of Nebraska claims sovereignty under the Tenth Amendment to the Constitution of the United States.
10CA Constitutional amendment to provide legislative approval of gubernatorial appointments to vacated elected state offices.
280CA Constitutional amendment to provide the right of parents to direct education of their children shall not be infringed.
287CA* Constitutional amendment to change requirements for granting paroles.
293CA* Constitutional amendment to provide for consolidation of a county and other political subdivisions.
302CA* Constitutional amendment to change publishing requirements for proposed constitutional amendments.

RON WITHEM

LB	
166*	Provide for certain county offices to be filled on a nonpartisan basis.
307*	Eliminate committees and a commission related to intergovernmental cooperation.
414*	Change provisions relating to nurse practitioners.
414A*	Appropriation Bill.
425***	Create the Selective Enhancement for Economic Development Fund.
432	Change provisions for payment of special education costs for wards of the state.
594	Allow profits from bingo and pickle card activities to fund a retirement plan for volunteer firefighters.
595	Provide for restriction, suspension, and impoundment of a driver's license of persons under nineteen years of age.
633*	Provide that certain training is not a disqualification for employment security benefits.
639	Change provisions for alternative educational programs under the Student Discipline Act.
670*	Change provisions relating to allocated income tax under the Tax Equity and Educational Opportunities Support Act.
691	Provide for service of process on Indian tribe lands.
692	Change provisions for valuation of land zoned for agricultural or horticultural use.
804*	Change provisions relating to powers of the board of adjustment relating to city planning.
806*	Redefine "subdivision" for purposes of city planning and zoning.
936*	Change the membership of the Nebraska Constitutional Revision Commission.
953*	Change provisions relating to county identification numbers on license plates.
992*	Provide for retainage from payments relating to public contracts.
999	Require the merger of Class I and Class VI school districts.
1000*	Exempt medical alarm equipment from sales and use taxation.
1013*	Provide for a waiver of certain standards relating to elevators.
1044***	Adopt the Nebraska Partnership for Health and Human Services Act.
1044A*	Appropriation Bill.
1115*	Provide for governmental budget limits.
1117*	Change provisions relating to the fee for teacher certification.

1124* Establish a limitation on state General Fund appropriations and receipts from property tax and create the Legislative Tax Relief Fund.
1145* Change provisions for state aid and special education payments.
1172* Change and eliminate provisions relating to elections.
1187* Change provisions for responsibility of certain costs for commitment of mentally ill persons.
1189** Provide for deficiency appropriations for state agencies.
1190*** Adopt the Information Technology Infrastructure Act and change distribution of cigarette tax proceeds.
1191** Change provisions for transfers from the Department of Motor Vehicles Cash Fund.
1192* Appropriate funds to the Department of Education to provide state aid to schools.
1225 Provide duties for the Legislature and the Government Committee relating to redistricting.
1240* Change provisions for investments on interest received from lottery proceeds.
1251* Authorize voluntary contributions to police pension or retirement plans.
1253* Change provisions relating to county land reutilization authorities and commissions.
1264* Provide for Nebraska Cornhusker Spirit Plates.
1299* Require the Legislature's Education Committee to introduce legislation relating to the growth rate and range for school districts.
1312 Change provisions for determination of child custody.
1337* Change provisions for school district boundary changes.
1354* Prohibit cities from collecting motor vehicle and wheel taxes from persons outside its corporate boundary.
1357* Change provisions for numbers assigned to counties relating to motor vehicle registration.
1358* Provide for alpha-numeric license plate numbering.
1381* Change a provisions relating to valuation of agricultural and horticultural land.

LR

29CA*** Constitutional amendment to provide for appointment of members of the Board of Regents of the University of Nebraska by the Governor.
276CA Constitutional amendment to change salaries for members of the Legislature.
284CA* Constitutional amendment to limit tax increases and state and local government spending.
285CA* Constitutional amendment to prohibit tax levy based on property.
286CA* Constitutional amendment to require standards for local governmental services and establish property tax limits.

297*	State legislative intent regarding property taxes.
307CA	Constitutional amendment to establish a definition for facilitate for purposes of initiative and referendum.
308CA	Constitutional amendment to establish provisions for initiative and referendum.
309CA	Constitutional amendment to establish initiative and referendum requirements based upon Presidential rather than gubernatorial elections.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

AGRICULTURE

LB	
105	State intent to fund a statewide animal damage control program.
965	Change provisions relating to the Pseudorabies Control and Eradication Act.
966	Change provisions relating to agriculture.
1123	Change provisions for grain dealers and grain warehouses.

APPROPRIATIONS

LB	
1120	Change provisions relating to the salary of the Tax Commissioner.
1138	Provide for leasing of certain telecommunications facilities.
1190A	Appropriation Bill.

BUSINESS AND LABOR

LB	
1391	Appropriate funds for the payment of certain claims against the state.
1392	Disapprove certain claims against the state.

EDUCATION

LB	
622	Change provisions for state aid to schools.
624	Change provisions relating to education.
1050	Change state aid calculations and other provisions relating to schools.

EXECUTIVE BOARD

LB	
890	Revisor bill to repeal provisions relating to water and electricity.
891	Revisor bill to repeal provisions relating to revenue and taxation.
892	Revisor bill to repeal provisions relating to the Governor's Roundtable under the Welfare Reform Act.
893	Revisor bill to harmonize provisions relating to schools.
894	Revisor bill to change an internal reference relating to devises.
895	Revisor bill to harmonize provisions relating to the Secretary of State and printing and distribution of session laws and journals.
896	Revisor bill to repeal a provision relating to education.
897	Revisor bill relating to crimes and offenses.
898	Revisor bill relating to health care providers.

899 Revisor bill to correct an internal inconsistency relating to crimes and offenses.

GENERAL AFFAIRS

LB

765 Provide for electronic lotteries and provide for operation of lotteries by licensed racetrack organizations.

1069 Change provisions relating to transfers of funds and disclosures by vendors under the State Lottery Act.

1255 Change provisions relating to horseracing.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB

1062* Provide for a limit on the tax levy authority of certain political subdivisions.

1095* Change and eliminate tax levy limitations and authority for townships.

HEALTH AND HUMAN SERVICES

LB

403 Change provisions relating to vital statistics, a record of annulment and filing fees.

495* Provide for human services regions.

496* Adopt the Parkinson's Disease Registry Act.

1059* Eliminate certain health and human services regions, boards and agencies.

1153 Change provisions relating to the Department of Social Services.

1154 Adopt the False Medicaid Claims Act.

1155 Change provisions relating to public health and welfare.

1156* Change and eliminate provisions for the Director of Medical Services and Division of Medical Services of the Department of Public Institutions.

JUDICIARY

LB

993* Create district attorney and district public defender offices and districts.

994* Change provisions for clerks and employees of district courts.

995* Eliminate police authority from cities and villages.

996* Provide first and second class cities, villages and certain counties, maintain jails under the Interlocal Cooperation Act.

997* Require state payment of costs for prisoners in jails who violate state law.

NATURAL RESOURCES

LB	
108	Provide for management of interrelated ground water and surface water resources.
582	Change provisions for energy efficiency loans and repayments.
584	Change provisions for hunting, trout stamps, and recreational trails.
1384	Reduce the tax levy limit for natural resources districts.
1385	Change provisions relating to natural resources districts.
1386	Provide for credentialing of certain federal officers as conservation officers of the Game and Parks Commission.
1387	Change provisions relating to game and fish offenses.
1388	Provide powers and duties for conservation and deputy conservation officers of the Game and Parks Commission.
1389	Provide for destruction of certain animals causing property damage.

NEBRASKA RETIREMENT SYSTEMS

LB	
368	Change investment provisions for the state and county employee retirement plans.
562	Change provisions relating to compensation and eliminate certain duties of the Public Employees Retirement Board.
710	Change provisions relating to investments, payments, and distributions relating to deferred compensation.
986*	Change provisions relating to military service credit and retirement fund rollovers.
1075	Change provisions for legal counsel to the Public Employees Retirement Board.
1076	Change provisions relating to retirement and disability.
1119	Change provisions relating to retirement buybacks.
1273	Adopt the Spousal Pension Rights Act.

REVENUE

LB	
1037	Authorize the Tax Commissioner to require certain reports by retailers.
1038	Change provisions relating to remittance of fees and the Tax Equalization and Review Commission.
1039*	Change provisions relating to property taxation.
1040	Change homestead exemption calculations and appeal procedures.
1041	Change and eliminate provisions relating to tax liability of corporate officers and employees.
1083	Provide for interlocal agreements for public safety services.

1084	Require state approval of certain capital construction projects proposed by political subdivisions and create the Government Efficiency Commission.

LR

93CA	Constitutional amendment to establish ad valorem property tax limitations for political subdivisions.
292CA*	Constitutional amendment to authorize merger or consolidation of local governments and change provisions relating to property taxation.

TRANSPORTATION

LB

462	Change provisions for issuance of drivers' licenses and permits.
463	Change provisions of the Light-Density Rail Line Assistance Act.
464	Change provisions for motorboat registration, certificates of title and fees.
465	Change provisions relating to personalized message license plates.
466	Create the Nebraska Railroad Grade Crossing Safety Committee.
715	Change provisions for penalties, driver's license suspension, or revocation for driving under the influence.

URBAN AFFAIRS

LB

469	Change provisions for rate filing, hearings, and public meetings under the Municipal Natural Gas Regulation Act.
804*	Change provisions relating to powers of the board of adjustment relating to city planning.
806*	Redefine "subdivision" for purposes of city planning and zoning.
1359	Adopt the Nebraska Municipal Development Fee Authorization Act.
1360	Change provisions for redevelopment plan approval for cities and villages.
1361	Change the distribution formula for aid to incorporated municipalities.
1362	Change provisions relating to budget statements, levies, and tax statements for political subdivisions.
1363*	Provide for a separate levy statement in municipal budgets and tax statements.
1364	Change the distribution formula for aid to incorporated municipalities.
1365*	Eliminate provisions for sanitary and improvement districts formed under the Act of 1947.

LR

312CA Constitutional amendment to provide for a tax levy to pay indebtedness on bonds involving a sanitary and improvement district.

* 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-FOURTH LEGISLATURE SECOND SESSION 1996

Agriculture

Chairperson - Merton L. Dierks

105	811	966	1123	1208	1389
357	965	1066	1174	1336	

Appropriations

Chairperson - Roger R. Wehrbein

29	211	720	1061	1189	1265
33	281	722	1120	1190	1330
62	587	796	1128	1192	1382
110	628	870	1143	1222	LR25CA
116	650	922			

Banking, Commerce and Insurance

Chairperson - David M. Landis

191	615	748	969	1080	1252
279	627	788	972	1086	1258
333	667	793	973	1146	1267
415	673	836	1008	1150	1268
425	681	838	1012	1180	1274
489	683	882	1028	1184	1275
512	689	931	1033	1185	1339
515	711	941	1036	1203	1376
532	725	948	1053	1216	LR90
536	734	949	1071	1233	

Business and Labor

Chairperson - Chris Abboud

44	478	810	1005	1126	1212
58	504	885	1013	1129	1230
216	540	903	1042	1130	1391
249	555	914	1047	1144	1392
422	633	925	1072	1167	

Education

Chairperson - Ardyce Bohlke

47	639	818	1024	1149	1301
142	651	845	1029	1152	1302
148	664	900	1030	1169	1319
149	670	935	1050	1178	1337
349	674	944	1091	1200	1371
432	676	950	1102	1205	1372
543	708	985	1112	1214	LR29CA
600	716	989	1116	1215	LR33CA
604	733	999	1117	1234	LR47CA
607	740	1014	1138	1254	LR280CA
622	741	1015	1140	1279	LR299CA
624	754	1016	1142	1295	LR303CA
625	785	1023	1145	1299	

Executive Board

Chairperson - George Coordsen

307	LR26	LR27CA	LR276CA

General Affairs

Chairperson - Stan Schellpeper

217	590	910	1057	1240	1334
218	687	915	1069	1255	1340
263	688	932	1088	1276	1345
328	765	933	1090	1277	1367
355	767	977	1109	1281	LR43CA
468	809	978	1181	1297	LR45CA
586	817	1045	1239	1314	LR301CA

Government, Military and Veterans Affairs

Chairperson - C. N. "Bud" Robinson

43	304	652	964	1133	1225
46	308	719	967	1135	1243
166	353	789	968	1139	1247
168	375	820	982	1147	1248
180	443	904	992	1160	1263
195	511	907	1011	1161	1266
212	537	924	1062	1164	1287
230	568	928	1094	1172	1303
233	612	936	1095	1213	1313
292	649	956	1111	1223	1323

1331	1375	LR10CA	LR277CA	LR294CA	LR307CA
1335	1377	LR17CA	LR278CA	LR295CA	LR308CA
1338	LR6CA	LR46CA	LR279CA	LR302CA	LR309CA
1351	LR7	LR97	LR281CA		

Health and Human Services

Chairperson - Don Wesely

55	460	698	918	1060	1183
63	485	703	940	1078	1187
121	492	705	954	1079	1188
174	495	747	961	1081	1194
203	496	749	970	1101	1210
206	497	763	981	1105	1235
224	558	777	988	1108	1236
302	578	825	1001	1113	1257
373	611	839	1004	1132	1278
403	619	842	1022	1153	1310
405	635	843	1031	1154	1322
414	637	849	1044	1155	1326
428	642	852	1049	1156	1344
440	659	858	1059	1157	1366
442	694	917			

Judiciary

Chairperson - John Lindsay

18	471	859	929	1034	1198
57	474	865	937	1043	1199
67	475	866	942	1046	1206
78	498	867	943	1048	1209
90	507	869	947	1052	1219
126	516	877	952	1055	1220
129	569	878	957	1056	1221
220	588	879	959	1074	1227
231	592	880	960	1097	1228
234	597	881	963	1099	1232
256	645	884	976	1100	1242
261	661	905	983	1110	1244
269	662	906	990	1125	1249
273	678	908	991	1136	1259
320	691	909	993	1141	1260
336	721	911	994	1151	1269
367	727	912	997	1168	1271
388	750	913	998	1171	1272
423	778	919	1002	1182	1280
435	784	926	1009	1195	1282
446	827	927	1021	1197	1283

1285	1312	1342	1348	1379	LR34CA
1286	1316	1343	1349	1380	LR52
1296	1317	1346	1350	1388	LR287CA
1298	1333	1347	1378		

Legislative Program Evaluation

Chairperson - Jerome Warner

886

Natural Resources

Chairperson - Chris Beutler

35	176	296	582	923	1292
50	181	301	584	1051	1293
60	198	316	634	1054	1352
81	209	329	640	1067	1353
88	229	338	685	1070	1383
98	236	340	731	1127	1384
100	237	359	764	1201	1385
103	238	484	803	1224	1386
108	247	553	854	1226	1387
114	258	554	855	1241	LR313
143	289	576	876		

Nebraska Retirement Systems

Chairperson - Bob Wickersham

56	370	562	723	986	1251
130	378	594	736	1075	1256
131	419	700	844	1076	1273
351	521	701	847	1077	1329
361	525	702	902	1119	LR343
368	528	710	955		

Revenue

Chairperson - Jerome Warner

45	278	596	921	1000	1041
106	295	630	930	1003	1058
139	298	675	934	1010	1063
170	299	692	945	1025	1068
183	345	693	951	1032	1082
210	362	744	958	1037	1083
267	364	745	971	1038	1084
272	533	790	984	1039	1085
277	548	792	987	1040	1087

1089	1166	1253	1320	1369	LR284CA
1096	1173	1261	1324	1370	LR285CA
1098	1176	1262	1325	1373	LR286CA
1106	1177	1270	1327	1374	LR288CA
1107	1196	1284	1328	1381	LR292CA
1114	1204	1289	1332	1390	LR293CA
1115	1217	1290	1361	LR30CA	LR300CA
1121	1245	1294	1364	LR42CA	LR310CA
1122	1246	1315	1368	LR93CA	LR311CA
1124	1250				

Transportation

Chairperson - Douglas A. Kristensen

38	319	481	939	1065	1229
101	321	518	946	1073	1264
132	322	595	953	1103	1288
150	323	643	974	1104	1291
151	347	713	975	1118	1305
157	383	714	1006	1134	1306
201	410	715	1018	1137	1307
219	426	766	1019	1148	1308
225	462	799	1020	1158	1309
242	463	901	1026	1175	1341
245	464	916	1027	1179	1357
246	465	920	1035	1191	1358
253	466	938	1064	1218	LR41CA
284					

Urban Affairs

Chairperson - D. Paul Hartnett

91	781	1007	1165	1237	1355
156	804	1017	1170	1238	1356
280	806	1092	1186	1300	1359
436	962	1093	1193	1304	1360
469	979	1131	1202	1311	1362
575	980	1159	1207	1318	1363
608	995	1162	1211	1321	1365
717	996	1163	1231	1354	LR312CA

SUMMARY OF LEGISLATION

NINETY-FOURTH LEGISLATURE
SECOND SESSION
1996

The following table shows the final disposition

Length 60 days

Total Number of Bills Introduced, 94th Legislature: 1392
Total Number of Bills Introduced, 1st Session: 889
Total Number of Bills Introduced, 2nd Session: 503
Total Number of Carryover Bills, 1st Session: 382
Total Number of "A" Bills Introduced, 94th Legislature: 104
Total Number of "A" Bills, 1st Session: 62
Total Number of "A" Bills, 2nd Session: 42
Total Number of Carryover "A" Bills: 22
Total Number of Resolutions Introduced, 94th Legislature (including CA): 476
Total Number of Resolutions Introduced, 1st Session: 275
Total Number of Resolutions Introduced, 2nd Session: 201
Total Number of CA Resolutions Introduced, 94th Legislature: 63
Total Number of CA Resolutions Introduced, 1st Session: 37
Total Number of CA Resolutions Introduced, 2nd Session: 26
Total Number of Carryover Resolutions (including CA): 21
Total Number of CA Resolutions Passed, 94th Legislature: 7
Total Number of CA Resolutions Passed, 1st Session: 5
Total Number of CA Resolutions Passed, 2nd Session: 2
Total Number of Bills to Become Law, 1st Session: 288
Total Number of Bills to Become Law, 2nd Session: 182

Approved by Governor (179):

29e	323A	575	700Ae	897	932
29Ae	345	584	750	898	933
33e	345A	604e	754	899	934
43	383	633	754A	900	938e
106	414e	634	842	901e	939e
108	414A	642	847	906	948e
233	463e	642A	890	908	949e
233A	464	645	891	909	952e
253	465	645A	892	921e	962e
253A	469	681e	893	922	964
296	496	689e	894	922A	965
299e	515e	693	895	923e	966
323	532e	700e	896	931e	967

969e	1041	1085	1174	1226Ae	1276
972e	1044e	1090	1177	1230	1277
973	1044Ae	1104e	1184	1241	1290e
974	1047e	1108e	1188e	1248e	1296
984e	1048	1108A	1188Ae	1248Ae	1304
1001e	1050e	1114	1190e	1249	1306e
1002	1050Ae	1121e	1190Ae	1252	1321
1007	1053e	1122e	1191e	1255e	1322e
1008	1055	1123	1201	1263e	1322Ae
1011	1055A	1138e	1205	1264	1336
1028	1069	1138Ae	1211	1264A	1362
1035	1070	1139	1211A	1265e	1368
1036e	1072e	1141	1213	1268	1373
1038e	1073	1155e	1213A	1273	1373A
1039e	1076	1155A	1218e	1273A	1375e
1039Ae	1076A	1161	1218Ae	1274	1391e
1040e	1082	1162	1226e	1275e	

Line-item Veto (3):

496A	847A	1189e*

Returned by Governor Without Approval (5):

108A	256	256A	1085A	1120

Passed Notwithstanding Objections of Governor: (0).

Became Law Without Governor's Signature: (0).

Failed on Final Reading: (0).

Resolution CA Delivered to Secretary of State (2):

LR27CA	LR292CA

Indefinitely Postponed (783):

18	67	121	156	203	231
35	78	126	157	206	234
38	81	129	166	209	236
44	88	130	168	210	237
45	90	130A	170	211	238
46	91	131	174	212	242
47	98	132	174A	216	245
50	100	139	176	217	246
55	101	142	180	218	247
56	103	143	181	219	249
57	105	148	183	220	258
58	105A	148A	191	224	261
60	110	149	195	225	263
62	114	150	198	229	267
63	116	151	201	230	269

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956	1021	1088	1148	1208	1270
957	1022	1089	1149	1209	1271
958	1023	1091	1150	1210	1272
959	1024	1092	1151	1212	1278
960	1025	1093	1152	1214	1279
961	1026	1094	1153	1215	1280
963	1027	1095	1154	1216	1281
968	1029	1096	1156	1217	1282
970	1030	1097	1157	1219	1283
971	1031	1098	1158	1220	1284
975	1032	1099	1159	1221	1285
976	1033	1100	1160	1222	1286
977	1034	1101	1163	1223	1287
978	1037	1102	1164	1224	1288
979	1037A	1103	1165	1225	1289
980	1042	1105	1166	1227	1291
981	1043	1106	1167	1228	1292
982	1045	1109	1168	1229	1293
983	1046	1110	1169	1231	1294
985	1049	1111	1170	1232	1295
986	1051	1112	1171	1233	1297
988	1052	1113	1171A	1234	1298
989	1054	1115	1172	1235	1299
990	1056	1116	1173	1236	1300
991	1057	1117	1175	1237	1301
992	1058	1118	1176	1238	1302
993	1059	1119	1178	1239	1303
994	1060	1124	1179	1240	1305
995	1060A	1125	1180	1242	1308
996	1061	1126	1181	1243	1309
997	1062	1127	1182	1244	1310
998	1063	1128	1183	1244A	1311
999	1064	1129	1185	1245	1312
1000	1065	1130	1186	1246	1313
1003	1066	1131	1187	1247	1314
1004	1067	1132	1192	1250	1315
1005	1068	1133	1193	1251	1316
1006	1071	1134	1194	1253	1316A
1009	1074	1135	1195	1254	1317
1010	1075	1136	1196	1256	1318
1012	1077	1137	1197	1257	1319
1013	1078	1140	1198	1258	1320
1014	1079	1141A	1199	1259	1323
1015	1080	1142	1200	1260	1324
1016	1081	1143	1202	1261	1325
1017	1083	1144	1203	1262	1326
1018	1084	1145	1204	1266	1327
1019	1086	1146	1206	1267	1328
1020	1087	1147	1207	1269	1329

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1337	1354	1374	LR7	LR93CA	LR299CA
1338	1355	1376	LR10CA	LR97	LR300CA
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1340	1357	1378	LR25CA	LR277CA	LR302CA
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1343	1360	1381	LR30CA	LR280CA	LR308CA
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1344	1363	1383	LR34CA	LR284CA	LR310CA
1345	1364	1384	LR41CA	LR285CA	LR311CA
1346	1365	1385	LR42CA	LR286CA	LR312CA
1347	1366	1386			

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987	1107	1307

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LR289	LR315	LR325	LR338	LR348	LR464
LR290	LR316	LR326	LR339	LR351	LR465
LR291	LR317	LR327	LR340	LR352	LR466
LR296	LR318	LR329	LR341	LR354	LR467
LR298	LR319	LR330	LR342	LR364	LR470
LR304	LR320	LR331	LR343	LR390	LR473
LR305	LR321	LR332	LR344	LR395	LR475
LR306	LR322	LR333	LR345	LR461	

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(Totals in parentheses include bills, A bills, and resolutions of each section.)

*Line-item veto partially overridden
**All line-item veto overridden

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(Maurstad, Klein) 251, 332, 373, 453, 639

289 Congratulate the University of Nebraska-Lincoln Cornhusker football team and Coach Tom Osborne for national championship.
(Brown, Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Fisher, Hartnett, Hillman, Hudkins, Janssen, Jensen, Jones, Klein, Kristensen, Landis, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek,

Withem) 256, 366, 383
290 Congratulate the University of Nebraska-Lincoln Cornhusker volleyball team for national championship.
(Brown, Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Chambers, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Fisher, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Klein, Kristensen, Landis, Matzke, Maurstad, McKenzie, Pedersen, Pirsch, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Witek, Withem) 257, 366, 383
291 Congratulate the Millard South High School football team for Class A state championship.
(Witek, Avery, Jensen, Pedersen, Brashear, Abboud) 263, 366, 372, 383
292CA Constitutional amendment to authorize merger or consolidation of local governments and change provisions relating to property taxation.
(Revenue Committee, and Elmer, Maurstad) 277, 353, 581, 666, 700, 1161, 1318, 1400, 1401, 1534, 1616, 1662, 1769, 1781, 1784, 1900, 1910, 2001, 2037, 2059
293CA Constitutional amendment to provide for consolidation of a county and other political subdivisions.
(Brown, Bernard-Stevens, Brashear, Bromm, Engel, Hilgert, Hillman, Jensen, Klein, Robinson, Schmitt, Witek, Preister) 297, 353, 412, 581, 1233
294CA Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
(Warner) 324, 353, 725, 2111
295CA Constitutional amendment to change the number of signatures needed and method of calculating for initiative and referendum measures.
(Warner) 327, 353, 725, 902
296 Name the Chadron State Physical activity center the Edwin and Avis Nelson Center for Physical Activity.
(Wickersham, McKenzie, Stuhr, Robak, Hillman, Bernard-Stevens, Coordsen, Maurstad, Warner, Vrtiska, Cudaback, Matzke, Bohlke, Schrock, Abboud, Fisher, Withem, Schmitt, Engel, Schellpeper, Klein, Robinson, Elmer, Dierks, Jones, Bromm) 385, 599, 615
297 State legislative intent regarding property taxes.
(Warner, Bohlke, Wickersham, Beutler, Wesely, Coordsen, Robinson, Will, Withem, Hartnett, Schellpeper, Kristensen, Lindsay) 400, 415, 420, 421, 422, 430, 431, 2111
298 Congratulate Holdrege for being recognized as one of the best small towns in America.
(Schrock, Elmer, Cudaback, Jones, Kristensen) 403, 599, 615

299CA Constitutional amendment to change the maximum age for receiving free instruction in schools.
(Stuhr, Bernard-Stevens, Beutler, Janssen, Warner) 419, 466, 544, 980

300CA Constitutional amendment to provide for payments in lieu of taxes for certain tax exempt real and personal property.
(Warner) 457, 524, 722, 1233

301CA Constitutional amendment to allow the Legislature to regulate wagering on sporting events.
(Will) 458, 524, 664, 2111

302CA Constitutional amendment to change publishing requirements for proposed constitutional amendments.
(Avery, Pirsch, Schmitt, Witek) 475, 540, 725, 970

303CA Constitutional amendment to provide management of educational lands be under direction of the Legislature.
(Bohlke, Bromm) 476, 540, 543, 1184

304 Congratulate the Oakland-Craig High School football team for Class C-2 state championship.
(Robinson) 477, 599, 615

305 Extend sympathy to the family of Kelly P. Ryan.
(Robinson) 477, 599, 615

306 Congratulate the Blair High School volleyball team for Class B state championship.
(Robinson) 478, 599, 615

307CA Constitutional amendment to establish a definition for facilitate for purposes of initiative and referendum.
(Withem) 494, 540, 725, 2111

308CA Constitutional amendment to establish provisions for initiative and referendum.
(Withem) 500, 540, 725, 902

309CA Constitutional amendment to establish initiative and referendum requirements based upon Presidential rather than gubernatorial elections.
(Withem) 505, 540, 725, 902

310CA Constitutional amendment to require the Legislature to permit merger of local governments.
(Maurstad, Elmer) 510, 540, 567, 581, 1233

311CA Constitutional amendment to restrict the use of property tax funds by school districts and ESU's.
(Jones, Coordsen, Schellpeper) 511, 540, 722, 1233

312CA Constitutional amendment to provide for a tax levy to pay indebtedness on bonds involving a sanitary and improvement district.
(Urban Affairs Committee) 514, 540, 554, 1028

313 Approve gift of land from the Nebraska Game and Parks Foundation to the Game and Parks Commission.
(Wehrbein) 530, 540, 553, 739, 977, 1597, 1622

314 Approve revenue bonds for construction projects at the University of Nebraska-Lincoln.

(Wehrbein) 659, 705, 743, 753
315 Congratulate Donald Keough on his receipt of the Distinguished NEBRASKAlander Award.
(Withem) 802, 837, 885
316 Congratulate Daniel Gardner on his receipt of the Wagon Master Award.
(Withem) 803, 837, 885
317 Congratulate Paul Henson on his receipt of the Nebraska Sower Award.
(Withem) 804, 837, 885
318 Congratulate the Abel family on their receipt of the Trailblazer Award.
(Withem) 804, 837, 885
319 Congratulate the students and faculty of Omaha Duchesne Academy of the Sacred Heart for being named a Blue Ribbon School by the U.S. Dept. of Education.
(Abboud) 822, 824, 831
320 Congratulate the students and faculty of Omaha Westside High School for being named a Blue Ribbon School by the U.S. Dept. of Education.
(Abboud, Brown, Jensen) 822, 823, 824, 831
321 Proclaim Wahoo, Nebraska, as the new "Late Show" home office.
(Wesely, Bromm, Abboud) 822, 823, 824, 831
322 Declare October 6th through October 12th, 1996, as Nebraska 4-H Week.
(Withem, Cudaback) 825, 837, 885
323 Congratulate the Papillion-LaVista High School academic decathlon team for first place in state competition.
(Withem) 884, 1088, 1141
324 Congratulate the University of Nebraska-Lincoln Cornhusker Marching Band for winning the Sudler Trophy.
(Crosby, Landis, Wesely, Schimek, Beutler, Hudkins, Warner, Maurstad) 971, 1088, 1141
325 Congratulate the Tekamah-Herman High School wrestling team for Class C state championship.
(Robinson) 972, 1088, 1141
326 Congratulate Andy Christensen, Bubba Stork, and Nick Uhing for state wrestling championships.
(Robinson) 972, 1088, 1141
327 Proclaim Monday, April 8, 1996, as NEBRASKA YOUTH HIGHWAY SAFETY AWARENESS DAY.
(Kristensen) 973, 1088, 1141
328 To study the issues associated with enactment of concealed-carry license legislation.
(Schellpeper, Pedersen, Avery, Janssen, Abboud, Pirsch, Robak, Jones, Witek, Hudkins, Dierks, Jensen, Schmitt,

Elmer, Vrtiska, Coordsen) 1011, 1772
329 Congratulate the South Sioux City girls' basketball team for Class B state championship.
(Engel) 1015, 1088, 1141
330 Congratulate the Chambers High School girls' basketball team for Class D-2 state championship.
(Dierks) 1016, 1088, 1141
331 Congratulate the Millard South High School girls' basketball team for Class A state championship.
(Witek, Jensen, Avery, Brashear, Pedersen, Abboud) 1023, 1088, 1141
332 Congratulate the Columbus Scotus High School girls' basketball team for Class C-1 state championship.
(Robak) 1033, 1088, 1141
333 Congratulate the Sandy Creek High School girls' basketball team for Class C-2 state championship.
(McKenzie) 1039, 1088, 1141
334 To study the use of credits earned pursuant to the Employment Expansion and Investment Incentive Act to reduce the personal income tax.
(Warner, Landis, Coordsen, Schellpeper, Hartnett, Wickersham, Kristensen, Will) 1070, 1772
335 Approve payment of attorney fees to John Murphy.
(Appropriations Committee) 1094, 1385, 1439
336 To study the use of credits earned pursuant to the Employment and Investment Incentive Growth Act to reduce personal income tax.
(Warner, Hartnett, Coordsen, Schellpeper, Kristensen, Will, Wickersham, Landis) 1127, 1772
337 Congratulate the Stanton High School boys' basketball team for Class C-2 state championship.
(Schellpeper) 1157, 1597, 1622
338 Congratulate the Filley High School boys' basketball team for Class D-2 state championship.
(Maurstad) 1157, 1597, 1622
339 Congratulate the Omaha Roncalli Catholic High School boys' basketball team for Class B state championship.
(Lynch) 1170, 1597, 1622
340 Congratulate the Sterling High School boys' basketball team for Class D-1 state championship.
(Vrtiska) 1171, 1597, 1622
341 Commend the efforts of the Neighborhood Citizen Patrols.
(Pirsch, Brown, Brashear, Abboud, Lindsay, Preister, Jensen, Witek, Will, Hilgert) 1192, 1597, 1622
342 Recognize the week of March 18-24, 1996, as ASVAB 18/19 Career Exploration Program Week.
(Fisher) 1194, 1598, 1622
343 Request the Attorney General initiate action relating to

noncertificated school employees and membership into the school employees retirement system.
(Wickersham, Wehrbein, Lynch, Crosby, Robak) 1206, 1224, 1234, 1267, 1598, 1944, 2009, 2010, 2011, 2016, 2018

344 Congratulate the Wahoo High School boys' basketball team for Class C-1 state championship.
(Bromm) 1226, 1597, 1622

345 Congratulate the Leigh High School girls' basketball team for Class D-1 state championship.
(Bromm) 1226, 1597, 1622

346 Congratulate the University of Nebraska at Kearney women's basketball team for its victorious season.
(Kristensen) 1237, 1597, 1622

347 Congratulate the University of Nebraska at Kearney men's basketball team for its successful season.
(Kristensen) 1238, 1597, 1622

348 Congratulate the Bryan Memorial Hospital and the transplant team for their March 3rd anniversary celebration.
(Crosby) 1277, 1597, 1622

349 To study the Nebraska Apiary Act.
(Dierks) 1306, 1772

350 To study the structure for oversight and operation of the Nebraska veterans homes.
(Dierks, Schimek) 1307, 1772, 2079

351 Declare October 28, 1996, as Howard H. Hanson Day.
(Landis, Bromm) 1311, 1597, 1622

352 Congratulate the Lincoln Northeast High School boys' basketball team for Class A state championship.
(Wesely) 1320, 1597, 1622

353 To study licensing and regulation of child care programs.
(Janssen, Brown, McKenzie, Schimek) 1321, 1772

354 Declare April as Child Abuse Prevention Month.
(Fisher) 1355, 1598, 1622

355 To study illegal dumping of household appliances.
(Janssen) 1355, 1773

356 To study whether newspaper carriers should be treated as employees for purposes of workers' compensation.
(Business and Labor Committee) 1375, 1773

357 To study the Nebraska Workers' Compensation Act and the impact of LB 757, 1993.
(Business and Labor Committee) 1375, 1773

358 To study the Nebraska Construction Lien Act.
(Schimek) 1375, 1773, 2008

359 To study the potential beneficial effects of introducing energy management performance based contracting to the State of Nebraska.

(Jensen) 1398, 1773
360 To study developing a new format or a new form for property tax statements.
(Hartnett, Maurstad) 1410, 1773
361 To study the use and cost of compensatory time by state government.
(Witek, Wehrbein) 1410, 1773
362 To study the management and associated costs of information technology in state agencies.
(Coordsen, Withem) 1413, 1773
363 To study the feasibility of using the right-of-way of state highways for providing a connection between trails systems.
(Hudkins) 1414, 1773
364 Recognize 1996 as Mari Sandoz Centennial Year in Nebraska.
(Wickersham, Hillman, Landis, Jones, Stuhr, Schimek, Robak, Brown) 1453, 1598, 1622
365 To study data regarding private health insurance coverage for biologically based mental illnesses.
(Robak) 1469, 1773
366 To study county veterans' service committees and authority relating to service officers.
(Robinson) 1477, 1773
367 To study usage of credit, debit, charge, or bank cards by the state, counties, and municipalities to be used to pay fees.
(Cudaback, Coordsen) 1478, 1773
368 To study school-to-work programs.
(Business and Labor Committee) 1478, 1773
369 To study the licensing of outfitters and professional guides.
(Schrock) 1494, 1774
370 To study the extension of record providing responsibilities to certain types of dealers in second-hand goods.
(Landis) 1494, 1774
371 To study the rehabilitation and maintenance needs of the Governor's mansion.
(Building Maintenance Committee) 1495, 1774
372 To study the filing of frivolous claims or complaints against individual aerial spray applicators.
(Robinson) 1497, 1774, 1928
373 To study and evaluate the Schools' TeleLearning Service and the Japanese Distance Learning Program.
(Appropriations Committee) 1498, 1774
374 To study improving methods of sharing data and information technology among Nebraska's diverse criminal justice agencies.
(Appropriations Committee) 1498, 1774
375 To study and ensure that new agencies created by the Nebr.

Partnership Project, LB 1044, 1996, maintain budgetary accountability to the Legislature.
(Appropriations Committee) 1500, 1774
376 To study horseracing.
(General Affairs Committee) 1501, 1774
377 To study the impact that gaming in bordering states has on certain activities in Nebraska.
(General Affairs Committee) 1502, 1774
378 To study the process of licensing retail liquor establishments.
(General Affairs Committee) 1502, 1774
379 To study to look at potential funding alternatives to replace lost property tax revenue in the funding of schools.
(Schellpeper) 1522, 1774
380 To study procedures for Commercial Driver's License renewal in Nebraska and in other states.
(Schellpeper) 1522, 1774
381 To study the new accounting standards issued by the Government Accounting Standards Board used in retirement plans.
(Nebraska Retirement Systems Committee) 1523, 1774
382 To study the long-term funding of the Judges Retirement System.
(Nebraska Retirement Systems Committee) 1523, 1775, 1826
383 To study the membership of noncertificated school employees in the School Retirement System.
(Nebraska Retirement Systems Committee) 1524, 1775
384 To study the State of Nebraska's financial support of the School Retirement System.
(Nebraska Retirement Systems Committee) 1524, 1775
385 To study the adjusted supplemental benefit under the School Retirement System.
(Nebraska Retirement Systems Committee) 1525, 1775
386 To study the treatment of employees who are rehired after the date of retirement or termination.
(Nebraska Retirement Systems Committee) 1525, 1775
387 To study the current funding status of retirement plans in the Nebraska political subdivisions.
(Nebraska Retirement Systems Committee) 1526, 1775
388 To study the federal Telecommunications Act of 1996.
(Kristensen, Pirsch) 1526, 1592, 1775
389 To study the constitutional and other legal grounds for noting a candidate's voting record and policy positions on any ballot on which a candidate's name appears.
(Kristensen) 1527, 1775
390 Congratulate the St. Joseph Church of Constance on their centennial.

(Schellpeper) 1531, 1598, 1622
391 To study the different levels of taxation of the various forms of legalized gambling in Nebraska.
(Will) 1532, 1775
392 To study the issue of the State of Nebraska legalizing wagering on the outcome of sporting events.
(Will) 1532, 1775
393 To study the feasibility of establishing a Nebraska Commission of the Blind.
(Will, Crosby) 1533, 1775
394 To study the process by which delegates to presidential nominating conventions are chosen.
(Schimek, Abboud) 1533, 1775
395 Congratulate the Elmwood-Murdock, Ralston, and Omaha Westside High Schools for honors earned from Redbook Magazine.
(Wehrbein, Abboud, Preister, Brown, Jensen) 1537, 2012, 2048
396 To study the use of consultants by state agencies.
(Appropriations Committee) 1542, 1776
397 To study the fee structure for issuing health facility and service licenses by the Dept. of Health.
(Schimek) 1543, 1776
398 To study whether Nebr. should update statutes regarding the practice of public accountancy.
(Landis) 1544, 1776
399 To study whether Nebraska should enact the Uniform Custodial Trust Act.
(Landis) 1544, 1776
400 To study the interstate branching provisions of the federal Riegle-Neal Branching Efficiency Act of 1994.
(Landis) 1544, 1776
401 To study whether Nebr. should review statutes which govern investments by insurance companies of their funds.
(Landis) 1545, 1776
402 To study corporate governance provisions within Nebraska's insurance laws.
(Landis) 1545, 1776
403 To study statutes regarding deposit of public funds in financial institutions.
(Landis) 1546, 1776
404 To study restructuring the number and boundaries of educational service units.
(Bohlke) 1546, 1776
405 To study the incarceration of juveniles under the Nebraska Juvenile Code and when charged as adults.
(Lindsay) 1550, 1776
406 To study the impact of the repeal of section 83-1,105, on Nebraska's criminal justice system.

(Lindsay) 1551, 1776
407 To study the homestead exemption and circuit breaker refunds as an alternative means of providing property tax relief.
(Hilgert) 1551, 1776
408 To study laws relating to condemnation.
(Avery) 1552, 1776
409 To study the types of driver's education and training available to teenage drivers.
(Avery) 1552, 1777
410 To study the impact of the no-fault divorce law.
(Avery) 1553, 1777
411 To study and continue the work of the LR 230 Select Committee, to identify cost-containment strategies for special education aid growth.
(McKenzie, Bernard-Stevens) 1553, 1777
412 To study the increased costs of special education in Nebraska.
(Stuhr) 1554, 1777
413 To study beverage container deposit legislation.
(Stuhr) 1555, 1777
414 To study the equine industry in Nebraska.
(Jones, Hudkins) 1556, 1777
415 To study alternatives to the membership tiers for determining formula needs in the Tax Equity and Educational Opportunities Support Act.
(Bohlke) 1557, 1777
416 To study what state sources of funding are available to school districts to meet the forty-five percent state funding goal.
(Bohlke) 1557, 1777
417 To study truancy statutes and procedures in addressing truancy problems.
(Bohlke) 1557, 1777
418 To study procedures for reorganization of school districts.
(Bohlke) 1558, 1777
419 To study the property tax issue.
(Warner, Bohlke, Robinson, Beutler, Hartnett, Coordsen, Withem, Will, Kristensen, Wickersham, Schellpeper, Wesely, Lindsay) 1558, 1777
420 To study the need for essential air service funding for Nebraska communities.
(Kristensen, Bohlke, Matzke, Bernard-Stevens, Wickersham, Fisher, Elmer, Robak, Hillman, Klein) 1562, 1777
421 To study solutions to problems created by interaction between orders of the Commission of Industrial Relations and legislation which impose spending limits.
(Janssen, Schmitt, McKenzie, Bohlke, Bromm) . 1563, 1777
422 To study health care availability for uninsured children.

(Wesely) 1563, 1778
423 To study the effect of the federal Employees Retirement Income Security Act restrictions on the health care delivery system.
(Wesely) 1564, 1778
424 To study various issues relating to managed care.
(Wesely) 1564, 1778
425 To study issues regarding the Commission for the Hearing Impaired.
(Crosby) 1564, 1778
426 To study driving safety and driver education.
(Crosby) 1565, 1778
427 To study what the Dept. of Water Resources has determined as acceptable levels for instream flows.
(Avery) 1565, 1778
428 To study renewable energy.
(Preister, Hartnett) 1566, 1778
429 To study the consumption of liquor by individuals under the legal age.
(Schellpeper, Will) 1566, 1778
430 To study issues of library governance, funding and access.
(Schellpeper, Will) 1567, 1778
431 To study recommendations on how the State of Nebr. can join a partnership with the private sector to develop arts and humanities.
(Crosby) 1567, 1778
432 To study issues relating to administration of the criminal justice system in the State of Nebr. and in its political subdivisions.
(Lindsay) 1568, 1778
433 To study legal and social issues associated with contract production and marketing agreements for packer procurement of swine and beef.
(Dierks) 1569, 1778
434 To study property-tax funded services to agricultural producers.
(Dierks) 1569, 1779
435 To study funding for conservation and environmental programs in Nebraska.
(Preister, Dierks, Wehrbein) 1569, 1779
436 To study the Emergency Planning and Community Right-to-Know program.
(Preister, Wickersham) 1570, 1779, 2079
437 To study the practice by governmental units of the state of distributing a variety of documents to various mailing lists.
(Lindsay, Pedersen) 1571, 1779
438 To study the possibility of restructuring bill introduction and bill hearing dates.

(Robak) 1572, 1779
439 To study the compensation structure of public K-12 school districts.
(McKenzie) 1572, 1779, 2008
440 To study whether county attorneys have the options necessary to protect the public while providing guidance and discipline to juvenile offenders.
(Wesely) 1573, 1779
441 To study conditions on Indian reservations in Nebraska.
(Wesely) 1574, 1779
442 To study and oversee implementation of the Nebraska Partnership Project as enacted in LB 1044, 1996.
(Health and Human Services Committee, and Matzke) 1574, 1753, 1779
443 To study health and human services issues.
(Health and Human Services Committee, and Matzke) 1575, 1753, 1779
444 To study the current role and possible future role of the state and its citizens in oversight and regulation of health-care related mergers.
(Wesely) 1575, 1779
445 To study the current state of the natural gas industry.
(Urban Affairs Committee) 1576, 1779
446 To study municipal planning, zoning, and annexation law and sanitary improvement districts.
(Urban Affairs Committee) 1577, 1779
447 To provide a forum for municipalities and citizens to present issues to the Urban Affairs Committee.
(Urban Affairs Committee) 1578, 1780
448 To study whether the State of Nebraska is successfully reducing the recidivism rates of sex offenders.
(Wesely) 1580, 1780
449 To study whether a state-sponsored capital pool would significantly help the development of microbusinesses.
(Wesely, Hilgert) 1581, 1621, 1780
450 To study the integrated management of ground water and surface water.
(Beutler) 1582, 1780
451 To study the electric utility industry in Nebraska.
(Beutler) 1582, 1780
452 To study methods expanding ethanol fuel demand in Nebraska.
(Beutler) 1582, 1780
453 To study safety awareness among propane consumers and propane industry personnel.
(Beutler) 1583, 1780
454 To study funding for conservation and environmental programs and state recreational trails.

(Beutler) 1583, 1780
455 To study the electric utility industry in Nebraska.
(Beutler) 1584, 1780
456 To study tax revenue and the ability of state government to deliver services.
(Wesely) 1585, 1780
457 To study and examine public school spending of property tax dollars.
(Wesely) 1586, 1780
458 To study reasons behind Nebraska's low wages.
(Wesely) 1587, 1780
459 To study effects of changes to the homestead exemption program.
(Wesely) 1587, 1780
460 To study the use of both income and property tax as a determinant of wealth in a school district in relation to state aid to schools.
(Stuhr, Robak) 1591, 1781
461 Express sympathy to the family of M. Stanley Jensen.
(Robinson) 1667, 2012, 2048
462 Provide the Edgerton Educational Center in Aurora be named "Nebraska's Hands-On Science Center."
(McKenzie) 1702, 1958, 2013, 2048
463 Recognize the contributions of the Center for Great Plains Studies.
(Crosby) 1719, 2013, 2048
464 Proclaim the week of April 21-27, 1996, to be "Nebraska Crime Victims' Rights Week."
(Pirsch) 1790, 2013, 2048
465 Congratulate the University of Nebraska-Lincoln men's basketball team and coach, Danny Nee, for winning the 1996 NIT championship.
(Wesely, Abboud, Avery, Bernard-Stevens, Beutler, Bohlke, Brashear, Bromm, Brown, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Fisher, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Kristensen, Landis, Lindsay, Lynch, Matzke, Maurstad, McKenzie, Pedersen, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Stuhr, Vrtiska, Warner, Wickersham, Witek, Withem, Klein) 1837, 2013, 2048
466 Approve revenue bonds for construction of a parking structure at the University of Nebraska-Lincoln.
(Wehrbein) 1838, 2012, 2048
467 Congratulate Matthew Wright for winning the Platte County spelling bee.
(Robak) 1843, 2013, 2048
468 To study property tax.
(Warner, Chairperson of the Revenue Committee) 1921, 2060

469 To study issues within the jurisdiction of the Agriculture Committee.
(Dierks, Chairperson of the Agriculture Committee) .. 1933, 2060
470 Express appreciation to the Nebr. Chapter of the World Organization of China Painters for efforts to preserve the art of porcelain painting.
(Dierks) 2007, 2099, 2110
471 To study procedures relating to contracts entered into by the Nebraska Library Commission to provide electronic access to state records.
(Government, Military and Veterans Affairs Committee) 2021, 2060
472 To study the impact, implications, and implementation of the property tax bills, as they relate to cities, villages, and sanitary and improvement districts.
(Hartnett, Chairperson of Urban Affairs Committee) 2058, 2110
473 Congratulate the David City Aquinas High School Speech Team for Class C state title.
(Bromm) 2107, 2109, 2110
474 To study the effect the existing court structure has on the delivery of judicial services.
(Judiciary Committee) 2107, 2110
475 Congratulate the Bradshaw Public School's Future Business Leaders of America for state awards.
(Stuhr) 2108, 2109, 2110
476 To study how Nebraska employers and human services and educational systems can provide support to Nebraska families.
(Health and Human Services Committee) 2108, 2110

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Resources and Agriculture 1701
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NINETY-FOURTH LEGISLATURE
SECOND SESSION
1996

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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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Handguns: provide mental health records to the State Patrol to determine whether a person may purchase or possess (Wesely)..... 960
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13-2202	A	1351
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14-102	A	995
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17-505	A	1170
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28-1008	A	929
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28-1205	A	1182
28-1206	A	1043
28-1206	A	1182
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28-1212.02	A	428
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30-2633	A	423
30-2634	A	423
30-2637	A	423
30-2639	A	423
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31-740	A	43
31-744	A	43
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32-101	A	964
32-101	A	1172
32-103	A	1172
32-107	A	1172
32-202	A	964
32-204	A	1172
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32-214	A	1172
32-215	A	1172
32-221	A	924
32-222	A	820
32-222	A	1172
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32-240	A	1172
32-241	A	1172
32-242	A	1172
32-303	A	924
32-306	A	1172
32-312	A	900
32-312	A	1172
32-314	A	1172
32-315	A	1172
32-319	A	1172
32-321	A	1172
32-324	A	1172
32-325	A	1172
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32-330	A	924
32-330	A	1172
32-401	A	924
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32-507	A	904
32-507	A	1172
32-511	A	900
32-514	R	674
32-515	A	900
32-517	A	166
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32-517	A	1058
32-519	R	1058
32-523	R	993
32-524	R	994
32-524	A	1056
32-530	A	1172
32-532	A	195
32-541	A	900
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32-542	A	967
32-543	A	1172
32-546	R	999
32-554	A	1172
32-559	A	924
32-559	A	964
32-559	A	1335
32-560	A	1133
32-565	A	1172
32-567	A	674
32-567	A	900
32-567	A	993
32-568	A	1172
32-570	A	999
32-603	A	924
32-603	A	1133
32-604	A	1133
32-606	A	924
32-606	A	1172
32-607	A	674
32-607	A	1172
32-608	A	674
32-608	A	1384
32-609	A	166
32-609	A	904
32-609	A	1172
32-612	A	1172
32-613	A	924
32-614	A	924
32-618	A	1172
32-620	A	924
32-620	A	1172
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32-803	A	1172
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32-903	A	924
32-903	A	1172
32-904	A	924
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32-914	A	1172
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32-929	A	1172
32-933	A	1172
32-934	A	1172
32-935	A	1172
32-943	A	1172
32-946	A	1172
32-950	A	1172
32-1014	R	1172
32-1016	A	1172
32-1032	A	1172
32-1033	A	1172
32-1036	A	924
32-1037	A	924
32-1040	A	924
32-1042	A	1062
32-1044	A	1172
32-1203	A	674
32-1203	A	1172
32-1208	A	1172
32-1301	A	674
32-1302	A	674
32-1302	A	1355
32-1407	A	1243
32-1509	R	1172
32-1516	A	1172
32-1544	A	1172
32-1547	A	924
32-1549	A	905
32-1603	A	537
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32-1610	A	548
33-101	A	956
33-106	A	1346
33-106.02	A	994

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33-106.03	A	1296
33-110	A	116
33-114	A	1325
33-116	A	1011
33-117	A	1011
33-123	A	1296
33-123	A	1346
33-131	A	994
33-131	A	1056
33-139.01	A	1237
33-150	A	33
33-150	A	492
33-151	A	33
35-508	A	594
35-508	A	1062
35-508	A	1247
35-508	A	1318
35-509	A	1062
35-513	A	1318
35-514.02	A	1062
35-516	A	1085
35-517	A	1085
37-101	A	576
37-102	A	81
37-102	A	114
37-102	A	576
37-102	A	923
37-102	A	1389
37-104	A	98
37-105	A	98
37-109	A	338
37-110	A	338
37-110	A	345
37-201	A	198
37-201	A	1389
37-202.01	A	60
37-207	R	81
37-213	A	198
37-215	A	35
37-215.03	A	35
37-215.03	A	198
37-215.08	A	198
37-216.01	A	338
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37-216.03	R	81
37-216.03	A	114
37-216.04	A	114
37-216.07	A	114
37-217.01	R	338
37-227	A	35
37-304.01	A	576
37-304.01	A	1389
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37-306	A	576
37-306	A	1389
37-501	A	576
37-501.01	A	576
37-505	A	576
37-508	A	1389
37-511	A	1389
37-513	A	576
37-537	A	576
37-537	A	1387
37-603	A	1388
37-702	A	576
37-703	A	576
37-705	A	576
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37-711	A	576
37-711.01	A	576
37-712	A	576
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37-726	A	576
37-901	A	209
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37-901	A	576
37-901.01	R	576
37-902	A	576
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37-907	R	576
37-908	A	576
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37-912	R	576
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37-1102	A	236
37-1102	A	876
37-1103	A	1096
37-1103	A	1176
37-1105	A	236
37-1112	A	876
37-1114	A	236
37-1204	A	584
37-1204	A	1292
37-1211	A	584
37-1211	A	1292
37-1214	A	464
37-1254.01	A	150
37-1254.01	A	584
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37-1254.01	A	1292
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37-1254.02	A	150
37-1254.08	A	584
37-1254.08	A	1292
37-1275	A	464
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37-1282	A	464
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37-1289	A	464
37-1291	A	464
37-1291	A	584
37-1291	A	1292
37-1501	A	554
37-1501	A	1353
37-1509	R	236
37-1509	R	554
39-102	A	1103
39-801	A	1062
39-869	A	1011
39-1002	A	1062
39-1002	A	1172
39-1522	A	590
39-1621	A	1062
39-1637	A	1062
39-1643	A	1011
39-1649	A	1062
39-1905	A	1095
39-2215	A	101
39-2510	A	1096
39-2510	A	1176
39-2520	A	1096
39-2520	A	1176
42-101	A	1260

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42-102	A	1260
42-103	A	1260
42-109	A	1260
42-119	A	1296
42-346	A	1296
42-348	A	1296
42-351	A	1296
42-352	A	1296
42-357	A	1296
42-358	A	592
42-358	A	1153
42-358.02	A	1209
42-358.08	A	1296
42-364	A	592
42-364	A	1168
42-364	A	1296
42-364	A	1312
42-364	A	1316
42-364.06	A	1052
42-364.15	A	592
42-364.16	A	1316
42-372	A	1100
42-812	A	1296
42-821	A	1296
42-822	A	1296
42-901	A	116
42-917	A	839
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43-101	A	55
43-104	A	55
43-104	A	1296
43-105	A	1153
43-106	A	55
43-107	A	55
43-112	A	55
43-115	A	55
43-146.01	A	55
43-245	A	1199
43-245	A	1296
43-245	A	1378
43-246	A	1001
43-247	A	273
43-247	A	1182
43-247	A	1199
43-247	A	1272
43-250	A	866
43-250	A	1378
43-251	A	1378
43-253	A	1378
43-254	A	1199
43-255	A	273
43-255	A	1378
43-256	A	1378
43-258	A	1153
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43-272	A	993
43-272	A	1349
43-273	A	993
43-274	A	273
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43-276	A	866
43-279	A	1182
43-286	A	1195
43-286	A	1199
43-287	A	1195
43-287	A	1199
43-289	A	1199
43-2,104	A	1043
43-2,105	A	1043
43-2,113	A	592
43-2,113	A	1296
43-2,113	A	1312
43-2,113	A	1316
43-2,119	A	877
43-2,125	A	867
43-2,129	A	273
43-2,129	A	1199
43-512	A	839
43-512.03	A	592
43-512.03	A	1282
43-512.04	A	592
43-512.04	A	1296
43-512.12	A	1316
43-512.15	A	1316
43-512.17	A	1296
43-522	A	839
43-524	A	839
43-526	A	839
43-533	A	1001
43-801	A	1242
43-901	R	1153
43-902	R	1153
43-904	R	1153
43-905	A	1153
43-909	R	1153
43-910	R	1153
43-913	R	1153
43-1214.01	A	592
43-1214.01	A	1296
43-1214.01	A	1312
43-1214.01	A	1316
43-1302	A	642
43-1308	A	578
43-1412	A	592
43-1414	A	474
43-1718	A	1052
43-1718.01	A	1052
43-1718.02	A	1153
43-1720	A	1153
43-1722	A	1153
43-1723	A	1153
43-1726	A	1153
43-1727	A	1153
43-1743	A	1296
43-1802	A	869
43-1802	A	991
43-1803	A	869
43-1803	A	1296
43-2007	A	900
43-2101	A	1344
43-2402	A	485
43-2403	A	485
43-2404	A	485
43-2405	A	485
43-2406	A	485
43-2407 to 43-2413	A	485
43-2505	A	900
43-2505	A	1016
43-2507.02	A	900

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43-2512	A	900
43-2513	A	349
43-2513	A	622
43-2513	A	670
43-2513	A	676
43-2513	A	900
43-2515	A	839
43-2620	A	900
43-2903 to 43-2917	A	592
43-2904	A	1296
43-2919	A	592
43-3001	A	839
44-3,131	A	683
44-3,131	A	711
44-402	A	969
44-515	A	1175
44-772	A	1155
44-773	A	839
44-773	A	1155
44-774	A	839
44-776	A	1155
44-777	A	1155
44-784	A	836
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44-1615	A	674
44-2134	A	689
44-2825	A	569
44-32,180	A	969
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44-3603	A	969
44-3604	A	969
44-3607	A	969
44-4002	A	489
44-4040	A	969
44-4207	A	839
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44-6408	A	941
44-6408	A	1008
44-6413	A	941
44-6606	A	969
45-205	A	191
45-345	A	1053
45-702	A	615
46-136	A	1325
46-142	A	978
46-231	A	100
46-235.04	A	803
46-235.04	A	1054
46-242.01	R	890
46-242.02	R	890
46-271	A	978
46-295	A	108
46-296	A	108
46-2,108 to 46-2,110	A	1127
46-542	A	1384
46-543	R	1384
46-544	A	1384
46-545	A	1384
46-548	A	1384
46-549	A	1058
46-550	A	1384
46-552	A	1058
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46-556	A	1384
46-559	A	1384
46-567.01 to 46-567.05	A	1384
46-567.06	R	1384
46-568	A	978
46-568	A	1384
46-583	A	1384
46-606	A	229
46-613	A	247
46-630	A	108
46-656	A	108
46-657	A	108
46-658	R	108
46-659	A	108
46-660	A	108
46-661	A	108
46-662	A	108
46-663	A	108
46-663.01	A	108
46-663.02	A	108
46-664	A	108
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46-666	A	108
46-666.01	A	108
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46-669	A	108
46-670	A	108
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46-672	A	108
46-673	A	108
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46-673.08	R	108
46-673.09	R	108
46-673.10	A	108
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46-673.13	A	108
46-673.14 to 46-673.16	A	108
46-674	A	108
46-674.02 to 46-674.14	A	108
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46-674.16 to 46-674.18	A	108
46-674.19	R	108
46-674.19	R	1384
46-674.20	A	108
46-676	A	108
46-689	A	108
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46-1101	A	238
46-1103	A	238
46-1111	A	238
46-1117	A	238
46-1121	A	238

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46-1142	A	238
46-1143	A	238
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46-1207.01	A	108
46-1224	A	229
46-1233	A	1241
46-1238	A	1241
46-1239	A	1241
46-1240	A	1241
46-1405	A	553
46-1405	A	1293
47-101	A	233
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47-104	A	233
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47-108	A	233
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47-110	A	997
47-111	A	997
47-112	A	997
47-115	A	996
47-116	A	233
47-119	R	997
47-120	A	997
47-121	A	997
47-201	A	233
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47-206	A	996
47-207	A	996
47-208	A	996
47-302	A	996
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47-305	A	996
47-307	A	997
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47-501	A	996
47-502	A	234
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47-603	A	996
47-603	A	1206
47-616	A	1043
47-617	A	996
48-115	A	43
48-115	A	44
48-115	A	58
48-115	A	1126
48-126.01	A	43
48-144.03	A	1230
48-151	A	504
48-190	A	1136
48-233	A	607
48-233	A	900
48-310	A	422
48-418.02	A	1013
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48-418.06	A	1013
48-418.07	A	1013
48-418.10	A	1013
48-418.11	A	1013
48-418.12	A	1013
48-418.14	A	1013
48-524	A	886
48-601	A	1072
48-604	A	540
48-604	A	925
48-604	A	1005
48-621	A	674
48-621	A	1072
48-622.03	A	674
48-624	A	1129
48-624	A	1130
48-628	A	633
48-628	A	1167
48-638	A	1072
48-647	A	478
48-647	A	1153
48-652	A	1212
48-669	A	1129
48-669	A	1130
48-724	A	1047
48-801	A	249
48-801.01	A	249
48-818	A	249
48-1001	R	886
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48-1101	A	886
48-1101	A	903
48-1102	A	886
48-1102	A	903
48-1104	A	886
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48-1104	A	903
48-1105	A	903
48-1106	A	903
48-1107	A	903
48-1108	A	886
48-1108	A	903
48-1111	A	886
48-1111	A	903
48-1113	A	886
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48-1113	A	903
48-1115	A	903
48-1117	A	903
48-1119	A	903
48-1122	A	886
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48-1122	A	903
48-1124	A	903
48-1125	A	903
48-1203	A	1042
48-1219	R	886
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48-1230	A	810
48-1501	A	979
48-1502	A	979
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48-1605	A	885
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48-2201	A	914
49-202	A	1287
49-506	A	674
49-506	A	906
49-801	A	1388
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49-1407	A	46
49-1446.01	A	548
49-1458	A	1263
49-1459	A	537
49-1463.01	A	1263
49-1467	A	1263
49-1469	A	1263
49-1479.01	A	1263
49-1483	A	968
49-1483.03	A	1263
49-1490	A	1147
49-1499	A	1147
49-1499.01	A	1147
49-14,101	A	46
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49-1601	A	936
50-128	A	1124
50-129	R	1182
50-130	R	1182
50-416.01	A	525
50-438	A	368
51-201	R	590
51-201	A	1062
51-201.01	R	590
51-202	R	590
51-203	R	590
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51-207	A	1109
51-210	A	1109
51-211	A	1109
51-313	A	1011
51-314	A	1011
51-316	A	1062
51-501	A	1062
52-118	A	568
52-118.02	A	568
52-131	A	1160
53-101	A	588
53-101	A	1297
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53-103	A	355
53-103	A	910
53-103	A	1045
53-103	A	1088
53-103	A	1090
53-116	A	355
53-116	A	1045
53-116.02	A	355
53-116.02	A	1045
53-117	A	355
53-117	A	1045
53-117.05	A	355
53-117.06	A	355
53-117.06	A	468
53-117.07	A	1088
53-122	A	355
53-122	A	1045
53-123	A	1088
53-123.11	A	1181
53-123.14	A	910
53-123.14	A	1088
53-123.15	A	1181
53-124	A	355
53-124	A	1088
53-124.11	A	1088
53-124.12	A	1088
53-129	A	355
53-129	A	1045
53-131	A	355
53-131	A	1045
53-131	A	1088
53-132	A	355
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53-132	A	1045
53-133	A	1045
53-134	A	1045
53-134.02	R	355
53-134.03	R	355
53-134.03	A	1045
53-135	A	355
53-135.01	A	355
53-138.01	A	1015
53-160	A	1328
53-164.01	A	1088
53-167.01	R	468
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53-168.06	A	586
53-169	A	1088
53-171	A	1088
53-177	A	1239
53-179	A	217
53-180.04	A	468
53-180.04	A	1134
53-180.05	A	1134
53-180.07	A	1340
53-188	A	1088
53-1,104	A	1297
53-1,115	A	355
53-1,115	A	1045
53-1,116	A	355
53-1,116	A	1045
54-134	A	1174
54-134.07	R	1174
54-143	A	1174
54-145.01	A	1174
54-160	A	1174
54-304	A	978
54-314	A	978
54-401	A	1174
54-403	A	1174
54-407	A	1174
54-408	R	1174
54-2235	A	965
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54-2244	A	965
54-2254	A	965
54-2260	A	965
54-2263	A	965
54-2272	R	965
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54-2277	A	965
54-2282	A	965
54-2287	A	965
54-2288	A	965
54-2290	A	965
54-2294	A	965
54-2296	A	965
54-2299	A	965
55-120	A	43

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57-705	A	1223
57-719	A	1041
58-201	A	1339
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58-201	A	1376
58-202	A	1376
58-203	A	1376
58-207	A	1339
58-219	A	1339
58-219	A	1376
58-221	A	1223
58-230	A	1339
58-230	A	1376
58-238	A	900
58-239	A	1339
58-239.02	A	1339
58-251	A	1339
58-319	A	900
58-412	A	900
58-508	A	1058
59-802	A	865
60-106	A	253
60-106	A	975
60-106	A	1096
60-106	A	1176
60-106	A	1218
60-106	A	1306
60-117	A	975
60-129	A	975
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60-301	A	465
60-301	A	1104
60-302	A	149
60-302	A	410
60-302	A	905
60-302	A	975
60-302	A	1010
60-302	A	1096
60-302	A	1176
60-302.01	A	1096
60-302.01	A	1176
60-302.03	A	1291
60-303	A	1096
60-303	A	1176
60-305.01	A	1358
60-305.04	A	1096
60-305.04	A	1176
60-305.09	A	1218
60-305.11	A	1096
60-305.11	A	1176
60-305.11	A	1218
60-305.12	A	1218
60-305.14	A	1218
60-305.15	A	1096
60-305.15	A	1176
60-305.15	A	1218
60-305.16	A	321
60-305.16	A	1218
60-310	A	157
60-310	A	1096
60-310	A	1176
60-311	A	157
60-311	A	321
60-311	A	713
60-311	A	1358
60-311.01	A	953
60-311.01	A	1357
60-311.01	A	1358
60-311.02	A	321
60-311.02	A	1096
60-311.02	A	1176
60-311.03	A	465
60-311.04	A	465
60-311.07	A	1229
60-311.08	A	465
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60-311.10	A	1358
60-311.11	A	321
60-311.11	A	1358
60-311.12	A	465
60-311.12	A	1358
60-311.13	A	465
60-311.13	A	1358
60-311.14	A	1096
60-311.14	A	1176
60-311.21	A	1096
60-311.21	A	1176
60-312	A	1358
60-315	A	975
60-315	A	1096
60-315	A	1176
60-315	A	1358
60-318	A	1096
60-318	A	1176
60-320	A	714
60-320	A	1096
60-320	A	1176
60-320.01	A	1341
60-323	A	1358
60-324	A	946
60-326.01	A	1038
60-331	A	1358
60-335	A	713
60-344	A	1096
60-344	A	1176
60-462	A	323
60-462	A	462
60-462	A	584
60-462	A	595
60-462	A	643
60-462	A	713
60-462	A	1175
60-462	A	1292
60-463	A	584
60-463	A	1292
60-473	A	584
60-473	A	1292
60-474	A	584
60-474	A	1292
60-479	A	584
60-479	A	595
60-479	A	643
60-479	A	713
60-479	A	1175
60-479	A	1292
60-480	A	462
60-480	A	584
60-480	A	1292
60-481	A	584
60-481	A	1292
60-483	A	1229
60-484	A	584

SECTION	REPEAL OR AMEND	BILL
60-484	A	763
60-484	A	939
60-484	A	1073
60-484	A	1292
60-487	A	584
60-487	A	1292
60-489	A	1388
60-491	A	462
60-491	A	584
60-491	A	1292
60-495	A	763
60-497	A	584
60-497	A	1292
60-497.01	A	1307
60-4,100	A	219
60-4,100	A	322
60-4,103	A	584
60-4,103	A	1292
60-4,104	A	584
60-4,104	A	1292
60-4,105	A	592
60-4,107 to 60-4,110	A	584
60-4,107 to 60-4,110	A	1292
60-4,108	A	518
60-4,108	A	1158
60-4,109	R	518
60-4,109	A	1158
60-4,110	A	242
60-4,110	A	518
60-4,110	A	715
60-4,112	A	462
60-4,112	A	584
60-4,112	A	1292
60-4,114	A	584
60-4,114	A	1292
60-4,115	A	584
60-4,115	A	1292
60-4,118	A	462
60-4,118	A	584
60-4,118	A	1292
60-4,118.01	A	584
60-4,118.01	A	1292
60-4,118.03	A	584
60-4,118.03	A	1292
60-4,119	A	584
60-4,119	A	1292
60-4,120	A	584
60-4,120	A	1292
60-4,121	A	974
60-4,122	A	584
60-4,122	A	1292
60-4,123	A	462
60-4,124	A	462
60-4,124	A	643
60-4,125	A	462
60-4,125	A	643
60-4,126	A	462
60-4,126	A	643
60-4,129	A	151
60-4,129	A	225
60-4,131	A	323
60-4,138	A	938
60-4,142	A	462
60-4,144	A	763
60-4,146	A	323
60-4,146	A	938
60-4,146.01	A	323
60-4,148	A	584
60-4,148	A	1292
60-4,149.01	A	323
60-4,156	A	323
60-4,164	A	323
60-4,165	A	323
60-4,167	A	323
60-4,169	A	323
60-4,171	A	219
60-4,181	A	1073
60-4,182	A	150
60-4,182	A	920
60-4,183	A	462
60-4,184	A	322
60-505.02	A	219
60-507	A	322
60-601	A	38
60-601	A	132
60-601	A	284
60-601	A	426
60-601	A	766
60-601	A	809
60-601	A	1104
60-601	A	1134
60-601	A	1148
60-605	A	132
60-646	A	1388
60-684	A	905
60-6,117	A	462
60-6,164	A	43
60-6,186	A	901
60-6,186	A	920
60-6,187	A	920
60-6,193	A	901
60-6,193	A	1064
60-6,196	A	150
60-6,196	A	151
60-6,196	A	201
60-6,196	A	715
60-6,196	A	1307
60-6,197	A	150
60-6,197	A	201
60-6,197	A	715
60-6,197	A	939
60-6,201	A	485
60-6,202	A	485
60-6,204	A	485
60-6,205	A	151
60-6,205	A	939
60-6,206	A	150
60-6,206	A	151
60-6,206	A	201
60-6,206	A	219
60-6,206	A	225
60-6,206	A	715
60-6,206	A	1307
60-6,209	A	245
60-6,209	A	1307
60-6,211	A	1307
60-6,211.01 to 60-6,211.04	A	507
60-6,211.01	A	766
60-6,211.01	A	1134
60-6,211.02	A	766
60-6,211.02	A	1134

SECTION	REPEAL OR AMEND	BILL
60-6,211.03	A	766
60-6,211.03	R	1134
60-6,211.04	A	1134
60-6,211.05	A	150
60-6,211.05	A	151
60-6,211.05	A	1307
60-6,219	A	1065
60-6,232	A	916
60-6,233	A	1027
60-6,235	A	1065
to 60-6,238		
60-6,243	A	1065
60-6,246	A	428
60-6,282	A	246
60-6,290	A	1026
60-6,294	A	1104
60-6,298	A	319
60-6,298	A	1018
60-6,298	A	1103
60-6,299	A	1103
60-6,301	A	905
60-6,301	A	1103
60-6,322	A	1010
60-6,335	A	1065
60-6,357	A	1065
60-6,367	A	905
60-1301	A	428
60-1303	A	1218
60-1306	A	1218
60-1401.02	A	1035
60-1403.01	A	462
60-1411.03	A	1096
60-1411.03	A	1176
60-14,181	A	763
60-1513	A	1191
60-1803	A	1096
60-1803	A	1176
60-1806	R	1096
60-1806	R	1176
60-1807	A	1096
60-1807	A	1176
60-1901	A	1137
60-1901	A	1358
60-1902	A	1358
60-1903	A	1358
60-1908	A	1358
60-2401.01	A	905
60-2603	A	975
61-102	A	1074
66-482	A	1121
66-489	A	1121
66-491	A	1218
66-4,114	A	1218
66-4,128	A	1096
66-4,128	A	1176
66-528	A	1015
to 66-530		
66-673	A	183
66-697	A	1121
66-712	A	1218
66-714	R	1121
66-715	R	1121
66-719	A	1121
66-720	A	1121
66-723	A	1041
66-727	A	1121
66-727	A	1218
66-729	A	1121
66-731	A	1121
66-738	A	1121
66-738	A	1218
66-740	A	183
66-740	A	1121
66-1004	A	1223
66-1009	A	1223
66-1333	A	1315
66-1334	A	1315
66-1335	R	1315
66-1336	A	1315
66-1337	A	1223
66-1337	A	1315
66-1338	A	1315
66-1339	A	1315
66-1340	A	1315
66-1341	A	1315
66-1343	A	1315
66-1344	A	1121
66-1345	A	211
66-1345	A	870
66-1345	A	1315
66-1347	A	1315
66-1401	A	1218
66-1402	A	1218
66-1403	A	1218
66-1404	A	1218
66-1405	A	1218
66-1407	A	1218
to 66-1413		
66-1414	A	1218
66-1415	A	1218
66-1501	A	1376
66-1501	A	1382
66-1509	A	1226
66-1514	A	1226
66-1518	A	1226
66-1519	A	1226
66-1521	A	1294
66-1522	A	1226
66-1522	A	1294
66-1522	A	1376
66-1523	A	484
66-1523	A	1226
66-1524	A	1226
66-1524	A	1376
66-1525	A	484
66-1525	A	1226
66-1529.01	A	1226
67-301	A	681
67-302	A	681
67-303	A	681
to 67-306		
67-311	A	681
67-315	A	681
67-318	A	681
67-325	A	681
67-328	A	681
67-334	A	681
67-336	A	681
67-340	A	681
68-104	A	839
68-104	R	1059
68-114	A	1059
68-126	A	839
68-126	A	1059

SECTION	REPEAL OR AMEND	BILL
68-130	A	1031
68-131	A	1059
68-132	A	1059
68-133	A	1059
68-134	A	1059
68-135	R	1059
68-136	R	1059
68-137	A	1059
68-138	A	1059
68-139	A	1059
68-140	A	1059
68-141	A	1059
68-142	A	1059
68-143	R	1059
68-145	R	1059
68-146	A	1059
68-147	A	1059
68-148	A	1059
68-149	A	1059
68-150	R	1059
68-151	R	1059
68-152	A	1059
68-153	A	1059
68-154	A	1059
68-156	R	1059
68-157	R	1153
68-214	A	839
68-214	R	1153
68-309	A	839
68-313	A	839
68-703	A	43
68-716	A	839
68-716	A	1153
68-717	A	839
68-719	A	839
68-721	R	839
68-721	R	1153
68-1001.01	A	839
68-1014	A	839
68-1016	A	839
68-1017	A	839
68-1019	A	839
to 68-1019.05		
68-1019.06	R	1153
68-1019.07	A	839
68-1019.08	R	1153
68-1020	A	839
68-1021	A	203
68-1021	A	839
68-1023	A	839
68-1024	A	839
to 68-1026		
68-1026	A	1153
68-1030	A	839
68-1031	A	839
68-1033	A	839
68-1034	A	839
68-1035	A	839
68-1035.01	A	839
68-1036	A	839
68-1036.01	R	839
68-1036.01	R	1153
68-1036.02	A	839
68-1036.03	A	839
68-1038	A	839
68-1039	A	839
68-1043	A	839
68-1047	A	839
68-1048	A	1078
to 68-1050		
68-1050	A	839
68-1402	A	839
68-1403	A	839
68-1405	A	839
68-1701	R	892
68-1702	R	892
68-1703	R	892
to 68-1707		
68-1708	A	892
68-1724	A	843
68-1729	R	495
68-1730	R	495
68-1735	A	765
69-2402	A	778
69-2402	A	960
69-2405	A	778
69-2405	A	960
69-2408	A	778
to 69-2410		
69-2408	A	960
to 69-2410		
69-2421	A	778
69-2421	A	960
69-2422	A	778
69-2422	A	960
69-2424	A	778
69-2424	A	960
69-2425	A	778
69-2425	A	960
70-408	A	980
70-622	A	50
70-624.04	A	1133
70-625	A	316
70-625.02	A	143
70-626.02	A	143
70-626.04	A	143
70-642.03	R	1172
70-642.04	R	1172
70-651.05	A	1096
70-651.05	A	1176
70-667	A	50
70-1003	A	1223
70-1008	A	1051
71-101	A	492
71-101	A	619
71-102	A	492
71-107	A	492
71-110	A	492
71-112	A	492
to 71-114		
71-124.01	A	1278
71-129	A	1278
71-131	A	492
71-147	A	63
71-148	A	63
71-162	A	492
71-1,103	A	414
71-1,103	A	485
71-1,103	A	619
71-1,107.16	A	1108
71-1,107.17	A	1108
71-1,107.19	A	1108
71-1,107.25	A	1108
71-1,107.26	A	1108

SECTION	REPEAL OR AMEND	BILL
71-1,107.29	A	1108
71-1,129	A	852
71-1,132.04	A	1155
71-1,132.06	A	1155
71-1,132.11	A	414
71-1,132.17	A	1155
71-1,133	A	619
71-1,133	A	1060
71-1,134	A	619
71-1,134	A	1060
71-1,135	A	619
71-1,135	A	1060
71-1,135.01	A	619
71-1,135.01	A	1060
71-1,135.02	A	619
71-1,135.02	A	1060
71-1,135.04	A	619
71-1,135.04	A	1060
71-1,142	A	1108
71-1,142	A	1235
71-1,142	A	1278
71-1,143	A	414
71-1,143	A	1278
71-1,147	A	1278
71-1,147.01	A	414
71-1,147.09	A	1278
71-1,147.53	A	1108
71-1,147.57	A	1108
71-1,285 to 71-1,292	A	492
71-1,293	A	492
71-1,294	A	492
71-1,312	A	839
71-203	A	852
71-340 to 71-345	A	852
71-347	A	852
71-356	A	852
71-358	A	852
71-359	A	852
71-361	A	852
71-362	A	852
71-364	A	852
71-368	A	852
71-369	A	852
71-371	A	852
71-372	A	852
71-376	A	852
71-377	A	852
71-381	A	852
71-382	A	852
71-385 to 71-387	A	852
71-389	A	852
71-390	A	852
71-394 to 71-396	A	852
71-397	A	852
71-3,100	A	852
71-3,102 to 71-3,107	A	852
71-3,109	A	852
71-3,110	A	852
71-3,117	A	852
71-3,119 to 71-3,121	A	852
71-3,124	A	852
71-3,125	A	852
71-3,136 to 71-3,143	A	852
71-3,145 to 71-3,147	A	852
71-3,149	A	852
71-3,150	A	852
71-3,159	A	852
71-3,169	A	852
71-3,174	A	852
71-3,177 to 71-3,179	A	852
71-507	A	1155
71-602.01	R	839
71-604.05	A	839
71-608.01	A	1235
71-612	A	403
71-615	A	1296
71-617.15	A	403
71-627	A	403
71-628	A	403
71-630	A	749
71-634	A	403
71-901	A	485
71-1002	A	1155
71-1401	A	839
71-1403	A	839
71-1510	A	1082
71-1510	A	1107
71-1519	A	1310
71-1522	A	1310
71-1524	A	1011
71-1534	A	1310
71-1555	R	428
71-1556	R	428
71-1557 to 71-1559	R	428
71-1560	R	428
71-1561	R	428
71-1562	R	428
71-1563	R	428
71-1564	R	428
71-1565	R	428
71-1566 to 71-1568	R	428
71-1569	A	428
71-1623	A	900
71-1623	A	1059
71-1626 to 71-1629	A	1235
71-1629.01	A	1062
71-1629.02	A	1235
71-1630	A	1235
71-1631	A	1011
71-1632 to 71-1636	A	1235
71-1637	A	1062
71-1637	A	1095
71-1637	A	1155
71-1638	A	1062
71-1704	A	414
71-1705	A	414
71-1706	A	414
71-1707	A	414
71-1711	R	414
71-1714	A	414
71-1715	R	414

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71-1716 to 71-1716.03	A	414
71-1716.04	R	414
71-1717	A	414
71-1721	A	414
71-1721.01 to 71-1721.05	R	414
71-1721.06	A	414
71-1721.07	A	414
71-1722	A	414
71-1723	A	414
71-1723.01	A	414
71-1724	A	414
71-1724.01	A	414
71-1725 to 71-1726.02	A	414
71-1728	R	414
71-1730	A	414
71-1735	A	414
71-1903	A	485
71-1910	A	900
71-1911	A	970
71-1911	A	1022
71-1912	A	970
71-1913	A	485
71-1913.01	A	414
71-1915	A	970
71-2017	A	1155
71-2017.01	A	659
71-2017.01	A	961
71-2017.01	A	1155
71-2017.07	A	839
71-2017.07	A	1155
71-2048.01	A	940
71-2601	A	174
71-2607	A	635
71-2610.01	A	635
71-2617	A	839
71-3501	A	405
71-3502	A	405
71-3503	A	405
71-3503	A	1201
71-3505	A	405
71-3507	A	405
71-3508	A	405
71-3508	A	1108
71-3508.02	A	103
71-3508.02	A	1201
71-3515.01	A	405
71-3515.02	A	405
71-4601	R	428
71-4602	R	428
71-4603 to 71-4604.01	R	428
71-4604.01	A	1155
71-4605	R	428
71-4606	R	428
71-4606	A	1155
71-4608 to 71-4611	R	428
71-4608	A	1155
71-4612	R	428
71-4613	R	428
71-4614	R	428
71-4615	R	428
71-4616 to 71-4620	R	428
71-4621	A	558
71-4625	A	558
71-4628	A	558
71-4632	A	558
71-4633	A	558
71-4634	A	558
71-4635	A	558
71-4720	A	1194
71-4721	A	1194
71-4724	A	1194
71-4725	A	1194
71-4728	A	1194
71-4728.01	A	1194
71-4728.02	A	1194
71-4728.03	A	1194
71-4729	A	1194
71-4801	R	763
71-4802	R	763
71-4803	R	763
71-4804	R	763
71-4805	R	763
71-4806	R	763
71-4807	R	763
71-4809	R	763
71-4810	R	763
71-4811 to 71-4818	R	763
71-5001	A	839
71-5001	A	1059
71-5001	A	1156
71-5002	A	495
71-5002	A	839
71-5002	A	1059
71-5002	A	1156
71-5002	A	1257
71-5003	A	839
71-5003	A	1059
71-5003.01	A	839
71-5004	A	839
71-5004	R	1059
71-5005 to 71-5007	R	839
71-5005	A	1011
71-5005 to 71-5007	R	1059
71-5006	A	1011
71-5008	A	839
71-5008	A	1059
71-5009	A	839
71-5009	R	1059
71-5009.01	R	839
71-5009.01	R	1059
71-5010	R	1059
71-5012	R	1059
71-5013	R	1059
71-5014	A	839
71-5014	A	1059
71-5015	A	839
71-5015	R	1059
71-5016 to 71-5020	R	839
71-5021 to 71-5023	A	839
71-5021 to 71-5023	A	1059
71-5024 to 71-5026	R	839

SECTION	REPEAL OR AMEND	BILL
71-5025	A	1059
71-5027	A	839
71-5027 to 71-5029	R	1059
71-5028	R	839
71-5030	A	839
71-5031	A	839
71-5032	R	839
71-5032 to 71-5034	R	1059
71-5033	A	839
71-5034	R	839
71-5035	A	839
71-5037 to 71-5040	A	839
71-5040	A	1059
71-5044	A	1059
71-5045	A	1059
71-5102	A	1366
71-5103	A	637
71-5108	A	206
71-5108	A	1108
71-5109	A	637
71-5109	A	1108
71-5111	A	1108
71-5120	A	43
71-5133	A	637
71-5142	A	637
71-5147	A	637
71-5152	A	637
71-5157	A	637
71-5211	A	1210
71-5212	A	1210
71-5213	A	1210
71-5508	A	981
71-5508	A	1366
71-5514.01	A	637
71-5652	A	1210
71-5653	A	1210
71-5654	A	1156
71-5654	A	1210
71-5654	A	1257
71-5661	A	1210
71-5662	A	373
71-5662	A	1210
71-5663	A	373
71-5664	A	1210
71-5665	A	1210
71-5666	A	1210
71-5667	A	1210
71-5668	A	373
71-5668	A	1210
71-5669	A	373
71-5669	A	1210
71-5801	R	224
71-5801	A	497
71-5802	R	224
71-5803	R	224
71-5804	R	224
71-5805 to 71-5809.01	R	224
71-5809.02	R	224
71-5810	R	224
71-5811	R	224
71-5812	R	224
71-5813	R	224
71-5815 to 71-5821.01	R	224
71-5822	R	224
71-5823 to 71-5826	R	224
71-5828	R	224
71-5828	A	497
71-5829	R	224
71-5830	R	224
71-5830	A	497
71-5830.01	R	224
71-5831	R	224
71-5832	R	224
71-5832.01	R	224
71-5833 to 71-5836.02	R	224
71-5833	A	497
71-5837	R	224
71-5838	R	224
71-5838	A	497
71-5840	R	224
71-5841	R	224
71-5846	R	224
71-5846	A	497
71-5848	R	224
71-5848	A	497
71-5848.01	R	224
71-5849	R	224
71-5853	A	497
71-5855	R	224
71-5857	R	224
71-5859 to 71-5859.04	R	224
71-5859	R	497
71-5859.04	A	497
71-5865	R	224
71-5865	A	497
71-5866	R	224
71-5866	A	497
71-5866	A	825
71-5868 to 71-5870	R	224
71-5869	A	497
71-6403	A	1157
71-6405	A	428
71-6405	A	1157
71-6615	A	954
71-6801	R	485
71-6802	R	485
71-6803	R	485
71-6804	R	485
71-6805	R	485
71-6806	R	485
71-6807	R	485
71-6808	R	485
71-6809	R	485
71-6810	R	485
71-6811 to 71-6815	R	485
71-6815.01	R	485
71-6816	R	485
71-6817 to 71-6819	R	485
71-6820	R	485
71-6821	R	485
71-6822	R	485
71-6823	R	485

SECTION	REPEAL OR AMEND	BILL
71-6823.01	R	485
71-6824	R	485
to 71-6831		
71-6909	R	859
71-7001	A	405
71-7001	A	460
71-7001	A	1108
71-7002	A	460
71-7003	A	460
71-7004	A	405
71-7004	A	460
71-7009	A	460
71-7010	A	460
71-7012	A	405
71-7012	A	460
71-7013	A	460
71-7303	A	637
71-7318	A	43
71-7501	A	495
71-7503	A	495
71-7509	A	1235
71-7516	A	495
71-7518.03	A	839
71-7518.03	A	1059
71-7518.04	A	224
71-7522	R	495
to 71-7529		
71-7601	A	898
71-7602	A	898
72-201	A	716
72-202	R	716
72-204	A	716
72-232	A	716
72-232.01	A	716
72-232.02	A	716
72-233	A	716
72-234	A	716
72-235	A	716
72-240.26	A	716
72-240.26	A	1102
72-240.26	A	1205
72-241	A	716
72-245	A	716
72-249	A	839
72-257	A	716
72-257.01	A	716
72-258	A	1102
72-258	A	1205
72-258.01	A	716
72-259	A	716
72-259	A	1102
72-259	A	1205
72-801	A	900
72-803	A	568
72-1237	A	368
72-1237	A	528
72-1237	A	847
72-1237.01	A	694
72-1237.01	A	716
72-1237.01	A	900
72-1237.01	A	1236
72-1239	A	368
72-1239	A	847
72-1240	A	847
to 72-1242		
72-1243	A	368
72-1243	A	528
72-1243	A	847
72-1260	A	902
73-106	A	900
74-308	A	827
74-1305	A	827
74-1306	A	1062
74-1401	A	463
to 74-1402.01		
74-1405	A	463
to 74-1406		
74-1407.01	A	463
74-1410	A	463
74-1410.01	A	463
74-1412.01	A	463
to 74-1415.01		
74-1415.02	R	463
74-1415.03	A	101
74-1415.04	A	463
74-1415.05	A	463
74-1419.01	R	463
74-1419.02	A	463
74-1419.03	R	463
74-1420	A	101
74-1420	A	463
to 74-1420.03		
74-1427	A	463
74-1429	A	101
74-1429	A	463
75-110	A	1218
75-114	A	1218
to 75-116		
75-156	A	1218
75-301	A	1218
75-302	A	1218
75-303	A	1288
75-305	A	1218
75-306	A	1218
75-307.03	A	1218
75-309.01	A	1288
75-348	A	1218
75-349	A	1218
75-350	A	1218
75-351	A	1218
75-352	A	1218
to 75-354		
75-355	A	1218
75-358	A	1218
75-363	A	481
75-363	A	938
75-364	A	938
75-368	A	1218
75-369.02	A	1218
75-369.03	A	1218
75-370	A	1218
75-371	A	1218
75-902	A	1123
75-903	A	1123
75-905	A	1123
76-703	A	827
76-801	R	1283
76-802	R	1283
76-803	R	1283
76-804	R	1283
76-805	R	1283
76-806	R	1283
76-807	R	1283
76-808	R	1283

SECTION	REPEAL OR AMEND	BILL
76-809	R	1283
76-810	R	1283
76-811	R	1283
76-812 to 76-815	R	1283
76-816	R	1283
76-817	R	1283
76-818	R	1283
76-819	R	1283
76-820	R	1283
76-820.01	R	1283
76-823	R	1283
76-824	R	1283
76-824.01 to 76-827	R	1283
76-828 to 76-835	R	1283
76-835.01	R	1283
76-836 to 76-853	R	1283
76-854	R	1283
76-855 to 76-882	R	1283
76-883	R	1283
76-884 to 76-890	R	1283
76-891.01	R	1283
76-891.02	R	1283
76-892 to 76-894	R	1283
76-1416	A	1110
76-1446	A	1317
76-1450	A	1285
76-1457	A	1285
76-1463	A	428
76-2005	A	1002
76-2301	A	1020
76-2303	A	1020
76-2308	A	1019
76-2317	A	1179
76-2321	A	1020
77-101	A	1262
77-112	A	934
77-115	R	1058
77-201	A	45
77-201	A	1096
77-201	A	1176
77-201	A	1262
77-202	A	45
77-202	A	139
77-202	A	267
77-202	A	792
77-202	A	945
77-202	A	1096
77-202	A	1176
77-202	A	1262
77-202	A	1332
77-202.01 to 77-202.06	A	1096
77-202.01	A	1122
77-202.01 to 77-202.06	A	1176
77-202.07	A	1040
77-202.08	A	945
77-202.08	R	1096
77-202.08	R	1176
77-202.24	A	1096
77-202.24	A	1176
77-202.25	A	1096
77-202.25	A	1176
77-363	A	1120
77-3,119	A	1364
77-415	R	1058
77-416	R	1058
77-417	A	1011
77-417	R	1058
77-418 to 77-420	R	1058
77-428	A	1058
77-506	A	1098
77-509	A	1040
77-606	A	1058
77-623	A	1058
77-913	A	1145
77-913	A	1177
77-1201	A	1096
77-1201	A	1176
77-1202	A	1096
77-1202	A	1176
77-1238	R	1096
77-1238	R	1176
77-1239	A	533
77-1239 to 77-1239.02	R	1096
77-1239 to 77-1239.02	R	1176
77-1239.05	R	1096
77-1239.05	R	1176
77-1239.06	R	1096
77-1239.06	R	1176
77-1240.01	R	1096
77-1240.01	R	1176
77-1240.03	A	533
77-1240.03	R	1096
77-1240.03	R	1176
77-1240.04	R	1096
77-1240.04	R	1176
77-1241.01	R	1096
77-1241.01	R	1176
77-1242.01	R	1096
77-1242.01	R	1176
77-1242.02	R	1096
77-1242.02	R	1176
77-1339	R	1058
77-1340	R	1058
77-1342	A	1096
77-1342	A	1176
77-1344	A	692
77-1344	A	934
77-1344	A	958
77-1344	A	1381
77-1347	A	958
77-1347	A	1381
77-1359	A	934
77-1360.01	A	1098
77-1361	A	934
77-1366	R	934
77-1367	R	934
77-1377	R	1058
77-1378	A	675
77-1380	A	1011
77-1384	A	675
77-1384	A	1040

SECTION	REPEAL OR AMEND	BILL
77-1385 to 77-1388	R	675
77-1506.02	A	675
77-1510	A	1040
77-1601	A	1085
77-1602	R	1085
77-1603	R	1085
77-1605	A	1062
77-1605	R	1085
77-1605.01	A	1062
77-1605.01	R	1085
77-1605.03	R	1085
77-1612	R	1085
77-1627	A	1062
77-1701	A	1362
77-1701	A	1363
77-1702	A	1010
77-1712	R	978
77-1713	R	978
77-1714	R	978
77-1735	A	1087
77-1736.08	A	1096
77-1736.08	A	1176
77-1777	A	1041
77-1780	A	1041
77-1783	R	1041
77-1858	A	1320
77-1901	A	1320
77-1902	A	1320
77-2306	A	725
77-2306	A	1015
77-2341	A	900
77-2341	A	1240
77-2363	A	674
77-2602	A	1190
77-2602	A	1327
77-2701	A	106
77-2701	A	210
77-2701	A	745
77-2701	A	790
77-2701	A	1000
77-2701	A	1003
77-2701	A	1025
77-2701	A	1063
77-2701	A	1284
77-2701.01	A	299
77-2701.01	A	790
77-2701.02	A	299
77-2701.02	A	790
77-2702.07	A	45
77-2702.07	A	106
77-2702.07	A	744
77-2702.13	A	45
77-2702.13	A	106
77-2702.13	A	744
77-2702.13	A	1032
77-2702.13	A	1369
77-2702.14	A	45
77-2702.14	A	744
77-2702.17	A	744
77-2702.23	A	1089
77-2703	A	45
77-2703	A	744
77-2703	A	1041
77-2703	R	1068
77-2704.11	A	1270
77-2704.12	A	900
77-2704.12	A	987
77-2704.24	A	745
77-2704.24	A	1025
77-2704.24	A	1106
77-2704.40	A	951
77-2704.40	A	1032
77-2704.40	A	1369
77-2705	A	1037
77-2708	A	1041
77-2711	A	1083
77-2711	A	1173
77-2715	R	1068
77-2715.01	A	790
77-2715.02	A	1250
77-2715.07	A	295
77-2715.07	A	745
77-2715.07	A	1025
77-2716	A	278
77-2716	A	788
77-2716	A	1166
77-2716	A	1246
77-2716.01	A	362
77-2734.02	A	596
77-2734.02	A	790
77-2734.02	R	1068
77-2734.02	A	1196
77-2734.03	A	277
77-2790	A	788
77-2794	A	1041
77-27,118	A	1041
77-27,132	A	790
77-27,137.01	A	1361
77-27,137.01	A	1364
77-27,137.02	A	108
77-27,144	A	1177
77-27,161	A	839
77-27,163.01	A	839
77-27.208	A	839
77-27,188	A	272
77-27,188.01	A	272
77-27,190	A	272
77-3201	A	1253
77-3203	A	1253
77-3204	A	1253
77-3205	A	1253
77-3402	A	364
77-3405	A	364
77-3406	A	364
77-3407	R	364
77-3408	A	364
77-3410.01	R	364
77-3437	A	1096
77-3437	A	1106
77-3437	R	1115
77-3437	R	1124
77-3437	A	1176
77-3437	R	1390
77-3438	A	900
77-3438	A	1106
77-3438	R	1115
77-3438	R	1124
77-3438	R	1390
77-3438.01	R	1115
77-3438.01	R	1124
77-3438.01	R	1390
77-3438.02	R	1115
77-3438.02	R	1124

SECTION	REPEAL OR AMEND	BILL
77-3438.02	R	1390
77-3439	A	43
77-3439	A	674
77-3439	A	900
77-3439	A	1106
77-3439	R	1115
77-3439	R	1124
77-3439	R	1390
77-3440	R	1115
77-3440	R	1124
77-3440	R	1390
77-3501	A	930
77-3501.01	R	930
77-3504	A	298
77-3504	A	930
77-3504	A	1370
77-3505.01	R	930
77-3505.02	R	930
77-3505.03	R	930
77-3505.04	R	930
77-3506.02	R	930
77-3506.03	R	930
77-3507	A	930
77-3507	A	1289
77-3508	A	930
77-3508	A	1289
77-3509	A	930
77-3509	A	1289
77-3509.01	A	921
77-3509.02	A	921
77-3510	A	921
77-3513	A	930
77-3514	A	930
77-3517	A	1039
77-3523	A	1040
77-3523	A	1325
77-3524	A	1039
77-4102	A	1196
77-4103	A	1196
77-4104	A	1196
77-4104	A	1217
77-4105	A	1083
77-4106	A	1083
77-4401	A	1245
77-4501	A	1096
77-4501	A	1176
77-4602	A	1290
77-4603	A	1290
77-4701 to 77-4706	R	891
77-4801 to 77-4807	R	898
77-4901	A	1368
77-4925	A	1368
77-4927	A	971
77-4928	A	971
77-5007	A	1038
77-5019	A	1136
79-101 to 79-102.02	A	900
79-101	A	1015
79-101.01	A	170
79-101.01	A	624
79-101.01	A	999
79-101.01	A	1014
79-101.01	A	1115
79-101.01	A	1124
79-101.01	A	1145
79-101.01	A	1337
79-101.01	A	1390
79-101.02	A	1140
79-102	A	935
79-102	A	999
79-102	A	1015
79-102.01	A	999
79-102.02	R	999
79-105	A	900
79-106	A	900
79-201 to 79-202	A	900
79-205 to 79-211	A	900
79-205	A	1014
79-210	A	999
79-211	A	1342
79-213 to 79-216	A	900
79-301	A	900
79-304	A	900
79-305	A	900
79-307	A	900
79-321	A	900
79-321	A	1014
79-321.01	A	900
79-321.03	A	900
79-322 to 79-333	A	900
79-328	A	1016
79-329	A	1016
79-339	A	900
79-339	A	1014
79-340	A	900
79-342 to 79-345	A	900
79-346	A	900
79-347	A	900
79-348	A	900
79-348	A	1016
79-349	A	900
79-401	A	900
79-402	A	600
79-402	A	624
79-402	A	900
79-402	A	999
79-402	A	1337
79-402.03 to 79-402.20	A	900
79-402.03	A	999
79-402.07	A	999
79-402.09	A	1015
79-402.12	A	1015
79-402.13	A	999
79-402.13	A	1014
79-402.13	A	1337
79-402.15	A	604
79-402.15	A	1337
79-402.17	A	999
79-402.17 to 79-402.19	R	1014
79-402.17 to 79-402.19	R	1337
79-402.20	A	999
79-402.20	A	1014
79-402.20	A	1145

SECTION	REPEAL OR AMEND	BILL
79-402.20	A	1337
79-403	A	604
79-403	A	900
to 79-403.03		
79-403	A	999
79-403	R	1014
79-403	A	1112
79-403	A	1140
79-403.01	R	1014
79-406	A	900
to 79-426.19		
79-406	A	1014
79-407	A	624
79-407	A	1014
79-411	A	1014
79-420	A	1145
79-423	A	1015
79-425	A	1015
79-426.02	A	999
79-426.05	A	999
79-426.05	A	1011
79-426.08	A	1014
79-426.08	A	1337
79-426.11	A	999
79-426.11	A	1140
79-426.15	A	624
79-426.15	A	999
79-426.15	A	1015
79-426.15	A	1337
79-426.19	A	1015
79-426.22	A	900
to 79-426.28		
79-426.23	A	999
79-426.27	A	999
79-426.28	A	999
79-428	A	900
to 79-430		
79-428	A	1014
79-428	A	1015
79-428.16	A	1337
79-432	A	900
to 79-435		
79-432	A	999
79-437.03	A	900
79-437.03	A	999
79-438.12	A	170
79-438.12	A	900
79-438.12	A	999
79-438.13	R	170
79-438.13	A	900
79-438.13	R	999
79-439	A	900
79-440	A	900
79-441	A	900
79-442.01	A	900
to 79-443.01		
79-443	A	1014
79-444	A	47
79-444	A	900
79-444.01	A	900
to 79-444.05		
79-444.06	A	900
79-444.07	A	900
79-445	A	432
79-445	A	624
79-445	A	900
79-445	A	1145
79-445.01	R	896
79-445.01	R	900
79-446	A	900
79-449.01	A	900
79-450	A	900
to 79-461		
79-451	A	624
79-451	A	999
79-451	A	1115
79-451	A	1124
79-451	A	1145
79-451	A	1390
79-452	A	1015
79-458	A	999
79-466	A	900
to 79-467.01		
79-469	A	900
79-470	A	900
79-478	R	624
79-478	A	900
to 79-488.01		
79-478	R	1014
to 79-485		
79-479	R	624
79-480	R	624
79-481	R	624
79-482	R	624
79-483	R	624
79-483	A	1145
79-484	R	624
79-485	R	624
79-485	R	1140
79-486	A	1140
79-486	A	1145
79-487	A	1112
79-488	A	624
79-488.03	A	900
to 79-492		
79-489	A	1140
79-490	A	999
79-490	A	1112
79-490	R	1140
79-491	R	1140
79-492	R	1140
79-4,105.01	A	900
79-4,105.01	A	999
79-4,106.01	A	900
to 79-4,107		
79-4,106.02	A	1145
79-4,106.04	R	1145
79-4,106.05	A	1145
79-4,114	A	900
79-4,117	A	900
79-4,118	A	900
79-4,119	A	900
to 79-4,123		
79-4,122	A	1014
79-4,125	A	900
to 79-4,127		
79-4,128.01	A	900
79-4,128.02	A	900
79-4,133	A	900
to 79-4,150		
79-4,140.04	R	1014
to 79-4,140.07		
79-4,140.08	A	1014
79-4,141.01	A	845

SECTION	REPEAL OR AMEND	BILL
79-4,141.01	A	999
79-4,143	R	1014
79-4,147	A	1016
79-4,152	A	900
to 79-4,159		
79-4,153	A	999
79-4,154.01	A	1371
79-4,158.01	A	999
79-4,169	A	900
79-4,170	A	900
to 79-4,176		
79-4,176.01	A	900
79-4,177	A	900
to 79-4,179		
79-4,179.01	A	639
79-4,179.01	A	900
79-4,180	A	900
79-4,181	A	900
to 79-4,194		
79-4,195	A	639
79-4,195	A	900
79-4,196	A	624
79-4,196	A	893
79-4,196	A	900
79-4,197	A	900
to 79-4,205.02		
79-4,207	A	900
79-4,221	A	900
79-4,222	A	900
79-4,224	A	900
to 79-4,247		
79-4,224	A	1140
79-4,225	A	1014
79-4,226	R	1014
79-4,228	A	1152
79-4,234	R	1014
to 79-4,238		
79-4,239	A	1014
79-4,241	A	674
79-4,248	A	900
79-4,248	A	985
79-501	A	624
79-501	A	900
to 79-504		
79-504	A	1015
79-505	A	900
79-505	A	1015
79-507	A	900
to 79-512		
79-507	A	1015
79-508	A	1015
79-516.01	A	900
79-516.04	A	900
79-516.06	A	900
79-516.08	A	900
79-516.08	A	1112
79-516.08	A	1116
79-516.08	A	1140
79-516.08	A	1145
79-519	A	900
79-519	A	999
79-519	A	1015
79-521	A	900
79-521	A	999
79-522	R	900
79-530	A	900
79-532	A	900
to 79-538		
79-541	A	900
to 79-545		
79-541	A	999
79-541	A	1015
79-542	A	999
79-542	A	1015
79-546.01	A	900
79-546.01	A	999
79-547.02	A	900
79-547.02	A	999
79-547.04	A	900
79-547.04	A	999
79-550	A	900
79-550	A	999
79-552	A	900
79-552	A	999
79-601	A	900
to 79-604		
79-601	A	1015
79-601.01	A	1015
79-603	A	999
79-603	R	1145
79-604	R	1145
79-606	A	900
to 79-610		
79-606	A	1015
79-607	A	1015
79-610	A	1015
79-701	A	900
79-701	A	967
79-701	A	1015
79-703	R	900
79-703.01	A	900
79-703.01	A	1014
79-801	A	900
to 79-802		
79-801	A	999
79-801	A	1015
79-801	A	1372
79-803.03	A	900
79-803.03	A	1015
79-803.03	A	1172
79-803.05	A	900
79-803.11	A	900
79-805	A	900
79-806	R	900
79-807	A	900
79-809	A	900
79-810	A	624
79-810	A	900
79-810.01	A	900
79-901	A	900
79-902.01	A	900
79-903	A	900
79-904	A	900
79-905	R	900
79-906	A	900
to 79-912		
79-1001	A	900
to 79-1003.02		
79-1003.04	A	900
to 79-1004.04		
79-1004	A	1311
79-1004.03	A	1254
79-1004.04	R	1311

SECTION	REPEAL OR AMEND	BILL
79-1005 to 79-1007.05	A	900
79-1005	A	1311
79-1032	A	900
79-1032	A	1014
79-1033	A	900
79-1034	A	900
79-1035 to 79-1039	A	900
79-1040	A	900
79-1040	A	1311
79-1041	A	900
79-1042	A	900
79-1043	A	900
79-1043	A	986
79-1043	A	1076
79-1044	A	900
79-1044.01	A	900
79-1045	A	900
79-1046	A	900
79-1046.01	A	900
79-1047 to 79-1049.05	A	900
79-1049.06	A	900
79-1050 to 79-1051.02	A	900
79-1051.05	A	900
79-1051.07	A	900
79-1052	A	900
79-1056	A	900
79-1056.05	A	900
79-1056.06	A	900
79-1058	A	900
79-1060 to 79-1070	A	900
79-1101	A	900
79-1101	R	999
79-1103	A	900
79-1103	R	999
79-1103.05 to 79-1111	A	900
79-1103.05	R	999
79-1104 to 79-1112	R	999
79-1105	R	1014
79-1108	A	604
79-1108	R	1014
79-1109	A	1014
79-1109	A	1015
79-1112	R	900
79-1229	A	900
79-1233	A	785
79-1233	A	900
79-1233	A	1014
79-1236	A	900
79-1239	A	900
79-1240	A	900
79-1247.03	A	900
79-1247.04	A	900
79-1247.05	A	740
79-1247.05	A	900
79-1247.06	A	754
79-1247.06 to 79-1247.11	A	900
79-1247.07	A	1117
79-1247.11	A	1014
79-1247.13	A	900
79-1247.16	A	740
79-1247.16	A	900
79-1247.16	A	1016
79-1248 to 79-1253	A	900
79-1254.01 to 79-1254.03	A	900
79-1254.05 to 79-1254.10	A	900
79-1254.06	A	607
79-1254.10	A	142
79-1268	A	900
79-1269	A	900
79-1272 to 79-1286	A	900
79-1276 to 79-1279	R	1014
79-1297 to 79-12,121.03	A	900
79-12,104	A	1014
79-12,105	A	607
79-12,107	A	607
79-12,111	A	607
79-12,111	A	999
79-12,112	A	607
79-12,114	A	607
79-12,115.01	A	607
79-12,119 to 79-12,121.02	A	607
79-12,153	A	900
79-1301 to 79-1313	A	900
79-1302	A	1015
79-1302	A	1145
79-1303	A	170
79-1303	A	716
79-1303	A	999
79-1303	R	1145
79-1304	A	1145
79-1315 to 79-1328	A	900
79-1320 to 79-1327	R	1014
79-1345	A	900
79-1345	A	1016
79-1346	A	900
79-1369	A	900
79-1371 to 79-1374	A	900
79-1384	A	624
79-1384	A	900
79-1385	A	900
79-1415	A	900
79-1416	A	900
79-1418 to 79-1423	A	900
79-1428	A	900
79-1428	A	1014
79-1429	A	674
79-1429	A	900
79-1429	A	1014
79-1435.01 to 79-1435.03	A	900
79-1446 to 79-1457	A	900
79-1448	A	149
79-1501	A	562

SECTION	REPEAL OR AMEND	BILL
79-1501	A	700
79-1501	A	900
79-1501	A	1014
79-1501	A	1076
79-1501	A	1077
79-1501	A	1119
79-1501	A	1273
79-1501.01	A	419
79-1501.01	A	700
79-1501.01 to 79-1503	A	900
79-1501.01	A	986
79-1501.01	A	1014
79-1501.01	A	1076
79-1501.01	A	1077
79-1501.01	A	1119
79-1501.01	A	1329
79-1502	A	900
79-1503	A	562
79-1503.01	A	900
79-1503.02	A	900
79-1505	A	900
79-1505	R	1075
79-1506	A	900
79-1508 to 79-1509.03	A	900
79-1510 to 79-1514.02	A	900
79-1513	A	1014
79-1513	A	1076
79-1514	A	1076
79-1514	A	1077
79-1514	A	1119
79-1514.01	A	1014
79-1514.01	A	1076
79-1514.01	A	1077
79-1514.05	A	419
79-1514.05	A	900
79-1514.05	A	1014
79-1514.05	A	1076
79-1514.05	A	1119
79-1514.06	A	900
79-1514.10	A	900
79-1514.11	A	900
79-1515 to 79-1522.02	A	900
79-1515	A	986
79-1519	R	1076
79-1520	A	1076
79-1522	A	1014
79-1522	A	1076
79-1522	A	1119
79-1522.01	A	130
79-1522.01	A	674
79-1522.01	A	676
79-1522.01	A	1014
79-1522.01	A	1076
79-1522.01	A	1273
79-1522.04	A	900
79-1522.05	A	900
79-1523 to 79-1530	A	900
79-1523	A	1014
79-1523	A	1076
79-1527	A	1077
79-1528	A	1273
79-1529	A	1076
79-1531	A	723
79-1531	A	900
79-1532 to 79-1538	A	900
79-1535	A	1014
79-1540	A	736
79-1540	A	900
79-1542	A	900
79-1544 to 79-1546	A	900
79-1548 to 79-1553	A	900
79-1551	A	700
79-1552	A	1273
79-1556 to 79-1567	A	900
79-1566	A	1256
79-1701	A	900
79-1701.01	A	900
79-1703 to 79-1707	A	900
79-1901 to 79-1904	A	900
79-1901	A	1014
79-1903	A	1014
79-1907	A	900
79-1907	A	1014
79-1908	A	900
79-1908	A	1014
79-1910.01	A	900
79-1911	A	900
79-1911	A	1016
79-1913 to 79-1915	A	900
79-1913	A	1014
79-1916 to 79-1919	R	900
79-2001 to 79-2007	A	900
79-2001	A	1014
79-2001 to 79-2007	A	1016
79-2006	A	1014
79-2007	A	1014
79-2009.01	A	900
79-2009.01	A	1016
79-2010 to 79-2012	A	900
79-2010 to 79-2012	A	1016
79-2101 to 79-2103	A	900
79-2101	A	1014
79-2102	A	1014
79-2103	A	1014
79-2103.01	A	900
79-2104	A	900
79-2105	A	900
79-2105	A	1138
79-2106	A	900
79-2106.01	A	900
79-2106.01	A	1014
79-2107	A	900
79-2108	A	900
79-2109 to 79-2114	A	900
79-2109	A	1014

SECTION	REPEAL OR AMEND	BILL
79-2110	A	1014
79-2112	A	1014
79-2201	A	900
to 79-2202		
79-2201.01	A	624
79-2202.02	A	733
79-2202.02	A	900
to 79-2203		
79-2202.02	R	1014
79-2202.02	R	1106
79-2202.02	A	1215
79-2202.03	A	1106
79-2202.08	A	1106
79-2203	A	999
79-2203	A	1014
79-2203	A	1015
79-2203	A	1106
79-2203	A	1200
79-2203	A	1215
79-2203.02	A	900
to 79-2209		
79-2203.03	A	1106
79-2204	A	1319
79-2204.01	A	1106
79-2208	A	1014
79-2208	A	1106
79-2208	A	1235
79-2209	A	1106
79-2210	A	900
79-2210	R	1106
79-2210	A	1114
79-2210.01	A	900
to 79-2210.04		
79-2210.01	A	1106
79-2212	A	900
to 79-2221		
79-2213	A	1016
79-2222	R	900
to 79-2224		
79-2225	A	900
79-2225	A	1106
79-2301	A	900
to 79-2315		
79-2301	R	1014
to 79-2317		
79-2317	A	900
79-2501	A	900
to 79-2504		
79-2504	A	999
79-2701	A	900
to 79-2703		
79-3001	A	900
to 79-3011		
79-3002	A	674
79-3301	A	900
79-3301	A	950
79-3301	A	1016
79-3301	A	1023
79-3301	A	1142
79-3302	A	900
to 79-3318		
79-3303	A	950
79-3306.01	A	1016
79-3309	A	1016
79-3310	A	1016
79-3311	A	1016
79-3313	A	1016
to 79-3317		
79-3319	R	900
79-3319	R	1014
79-3319	A	1016
79-3320	A	900
79-3320	A	1016
79-3321	A	900
79-3322	A	900
79-3322	A	1016
79-3323	A	900
79-3323	A	1016
79-3324	A	900
79-3324	A	1016
79-3325	A	900
79-3325	A	1016
79-3326	A	900
to 79-3331		
79-3326	A	1016
to 79-3331		
79-3330	A	1014
79-3332	A	790
79-3332	A	900
79-3332	A	1016
79-3332	A	1145
79-3332.01	A	900
79-3332.01	A	1016
79-3333	A	900
79-3333	A	1016
79-3333	A	1145
79-3333.01	A	900
79-3333.01	A	1145
79-3334	A	900
79-3335	A	900
to 79-3362		
79-3335	A	1016
79-3337	A	1016
79-3340	A	1016
to 79-3345		
79-3348	A	1016
to 79-3350		
79-3349	A	1024
79-3352	A	1016
79-3354	A	1016
79-3355	A	1016
79-3357	A	1016
79-3363	A	900
79-3364	A	900
79-3365	A	900
79-3366	A	900
79-3367	A	900
to 79-3371		
79-3401	A	900
to 79-3410		
79-3402	A	1014
79-3403	A	708
79-3403	A	1372
79-3404	A	1178
79-3406	A	624
79-3407	A	708
79-3407	A	1016
79-3409	A	624
79-3410	A	1016
79-3410	A	1112
79-3410	A	1140
79-3412	A	900
to 79-3417		

SECTION	REPEAL OR AMEND	BILL
79-3415	A	1014
79-3417	R	1014
79-3501 to 79-3510	R	700
79-3501 to 79-3509.01	A	900
79-3508	A	607
79-3509.02	A	349
79-3509.02	A	622
79-3509.02	A	670
79-3509.02	A	676
79-3509.02	A	900
79-3509.03	A	900
79-3510	A	900
79-3601 to 79-3606	A	900
79-3601 to 79-3606	R	1014
79-3701 to 79-3703	A	900
79-3703	A	1016
79-3801	A	600
79-3801 to 79-3803	A	622
79-3801	A	676
79-3801	A	741
79-3801	A	900
79-3801	A	1050
79-3801	A	1145
79-3801	A	1301
79-3802	A	900
79-3802	A	1050
79-3802	A	1145
79-3803	A	349
79-3803	A	600
79-3803	A	670
79-3803	A	676
79-3803	A	900
79-3803	A	999
79-3803	A	1014
79-3803	A	1050
79-3803	A	1115
79-3803	A	1124
79-3803	A	1145
79-3803	A	1149
79-3803	A	1295
79-3803	A	1301
79-3803	A	1390
79-3804	A	664
79-3804	A	670
79-3804	A	900
79-3804	A	999
79-3804	A	1029
79-3804	A	1030
79-3804	A	1050
79-3804	A	1145
79-3804	A	1250
79-3805	A	543
79-3805	A	900
79-3805	A	999
79-3805	A	1050
79-3805	A	1145
79-3805	A	1301
79-3806	A	170
79-3806	A	600
79-3806	A	741
79-3806 to 79-3806.02	A	900
79-3806	A	999
79-3806	A	1014
79-3806	A	1029
79-3806	A	1050
79-3806	A	1145
79-3806	A	1301
79-3807	A	622
79-3807	A	624
79-3807	A	900
79-3807	A	1014
79-3807	A	1050
79-3807	A	1145
79-3807	A	1295
79-3807	A	1301
79-3808	A	349
79-3808	A	900
79-3808	A	999
79-3808	A	1014
79-3809	A	900
79-3809	A	934
79-3809	A	1096
79-3809	A	1098
79-3809	A	1145
79-3809	A	1149
79-3809	A	1176
79-3810	A	670
79-3810	A	900
79-3810	A	1050
79-3811	A	900
79-3811	A	1014
79-3811	A	1091
79-3811	A	1112
79-3811	A	1145
79-3811	A	1295
79-3811.01 to 79-3814	A	900
79-3811.01	A	1050
79-3812	A	600
79-3812	A	622
79-3812	A	1050
79-3812	A	1145
79-3812	A	1367
79-3813	A	600
79-3813	A	622
79-3813	A	1050
79-3813	A	1145
79-3813	A	1149
79-3814	R	1115
79-3814	R	1124
79-3814	A	1299
79-3814	R	1390
79-3815	A	624
79-3815	A	900
79-3815	A	1115
79-3815	A	1124
79-3815	A	1390
79-3816	A	900
79-3816	R	1115
79-3816	R	1124
79-3816	A	1299
79-3816	R	1390
79-3817	A	622
79-3817	A	624
79-3817	A	900
79-3817	A	1050

SECTION	REPEAL OR AMEND	BILL
79-3817	R	1115
79-3817	R	1124
79-3817	A	1145
79-3817	A	1295
79-3817	A	1301
79-3817	R	1390
79-3818 to 79-3822	A	900
79-3818	R	1115
79-3818	R	1124
79-3818	R	1390
79-3819	A	676
79-3819	A	900
79-3819	R	1115
79-3819	R	1124
79-3819	R	1390
79-3820	R	1115
79-3820	R	1124
79-3820	R	1390
79-3821	R	1115
79-3821	R	1124
79-3821	R	1390
79-3822	A	622
79-3822	A	1050
79-3822	A	1145
79-3822	A	1250
79-3822	A	1302
79-3823	A	900
79-3823	A	1301
79-3824	A	900
79-3901 to 79-3906	A	900
79-3901 to 79-3910	R	1014
79-3903	A	1016
79-3907	R	900
79-3908 to 79-3910	A	900
79-4001 to 79-4004	A	900
79-4001	A	1014
79-4002	A	1014
79-4003	A	1367
79-4004	R	1014
80-101	A	1011
80-102	A	1062
80-102	A	1085
80-102	A	1303
80-202	A	1062
80-407	A	1303
80-901	A	443
81-101	A	1044
81-102	A	1044
81-102.01	A	1085
81-125	A	1124
81-126	A	1124
81-161	A	1223
81-179	A	263
81-229	R	966
81-262	R	966
81-2,165.01	A	1208
81-2,177.01	A	1208
81-2,236	A	105
81-401	A	885
81-401	A	886
81-531	A	1011
81-5,133	A	611
81-5,134	A	611
81-5,136	A	611
81-5,137	A	611
81-5,138	A	428
81-5,140	R	428
81-5,142	A	428
81-5,142	A	611
81-604.03	A	839
81-604.03	A	1154
81-651	A	1155
81-664	A	496
81-801	A	176
81-801	A	685
81-801.01	A	176
81-803.01	A	176
81-805	A	258
81-805	A	576
81-805	A	1388
81-805.04	A	1386
81-809	A	1386
81-810	A	1386
81-811	A	576
81-814.02	A	576
81-814.02	A	1389
81-815.55	R	258
81-815.56	R	258
81-815.57	R	258
81-815.57	A	296
81-815.60	A	258
81-816 to 81-823	R	307
81-829.31	A	43
81-829.36 to 81-829.43	A	43
81-829.39	A	1248
81-829.42	A	1248
81-829.43	A	1384
81-829.44	R	43
81-829.45 to 81-829.62	A	43
81-829.45	A	1384
81-829.63	R	43
81-829.64	A	43
81-829.65	A	43
81-829.65	A	353
81-829.69	A	43
81-829.70	A	43
81-829.72	A	43
81-829.73	A	43
81-829.74	R	43
81-839	R	694
81-840	R	694
81-841 to 81-845	A	694
81-841	A	1169
81-846	R	694
81-846.01	A	694
81-847 to 81-856	R	694
81-855	A	1094
81-8,126	A	694
81-8,184 to 81-8,206	R	694
81-8,208	R	694
81-8,215.01	A	952
81-8,235	A	937
81-8,239.01	A	1252

SECTION	REPEAL OR AMEND	BILL
81-1021	A	713
81-1021	A	1156
81-1102	A	1265
81-1107	A	1265
81-1108	A	847
81-1108.15	A	568
81-1108.16	A	568
81-1108.22	A	1016
81-1108.41	A	568
81-1108.43	A	568
81-1108.43	A	694
81-1108.55	A	1223
81-1113.02	R	966
81-1118.02	A	674
81-1120.17	A	43
81-1120.25	A	43
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